

1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title III, §301, title V, §507, 93 Stat. 677, 692, provided for deductions from allotments when preceding allotments have not been expended for the purposes provided in this chapter.

Section 26, acts Feb. 23, 1917, ch. 114, §16, 39 Stat. 936; Ex. Ord. No. 6166, §15, June 10, 1933; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title III, §301, title V, §507, 93 Stat. 677, 692, provided for withholding of allotments and right to appeal withholdings.

Section 27, act Feb. 23, 1917, ch. 114, §17, 39 Stat. 936, provided for State replacement of lost funds and for limitations on use of funds.

**§ 28. Repealed. Pub. L. 104-66, title I, §1041(e), Dec. 21, 1995, 109 Stat. 715**

Section, acts Feb. 23, 1917, ch. 114, §18, 39 Stat. 936; Ex. Ord. No. 6166, §15, June 10, 1933; 1939 Reorg. Plan No. I, §§201, 204, eff. July 1, 1939, 4 F.R. 2728, 53 Stat. 1424; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title III, §301, title V, §507, 93 Stat. 677, 692, directed Department of Education to report annually to Congress on administration of this chapter, including reports made by State boards and expenditure of money allotted to each State.

**§ 29. Repealed. Pub. L. 86-624, §14(b)(1), July 12, 1960, 74 Stat. 413**

Section, act Mar. 10, 1924, ch. 46, §4, 43 Stat. 18, extended benefits of chapter to Territory of Hawaii.

**EFFECTIVE DATE OF REPEAL**

Section 47(c) of Pub. L. 86-624 provided that: “The amendment made by paragraphs (1) and (2) of subsection (b) and paragraphs (1), (2), and (3) of subsection (d) of section 14 [amending sections 12, 14, and 238 of this title and repealing this section] shall be applicable in the case of fiscal years beginning after June 30, 1960.”

**§§ 30 to 34. Repealed. Pub. L. 90-576, title I, §103, Oct. 16, 1968, 82 Stat. 1091**

Section 30, acts Mar. 3, 1931, ch. 404, §1, 46 Stat. 1489; May 17, 1932, ch. 190, 47 Stat. 158, extended to Puerto Rico the benefits of sections 11-15, 16, and 18-28 of this title.

Section 31, act Mar. 18, 1950, ch. 71, §1, 64 Stat. 27, extended to Virgin Islands the benefits of Vocational Education Act of 1946 (sections 15i to 15m, 15o to 15q, 15aa to 15jj, and 15aaa to 15ggg of this title).

Section 32, act Mar. 18, 1950, ch. 71, §2, 64 Stat. 27; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, authorized distribution of funds to Virgin Islands.

Section 33, act Mar. 18, 1950, ch. 71, §3, 64 Stat. 27; 1953 Reorg. Plan No. 1, §§5, 8, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set conditions governing use and payment of funds in Virgin Islands.

Section 34, act Aug. 1, 1956, ch. 852, §9, 70 Stat. 909, extended to Guam the benefits of Vocational Education Act of 1946.

**EFFECTIVE DATE OF REPEAL**

Section 103 of Pub. L. 90-576 provided that the repeal is effective July 1, 1969.

**§§ 35 to 35n. Omitted**

**CODIFICATION**

Sections 35, 35 note, and 35a to 35n, which were enacted by Part A of Pub. L. 88-210, §§1-10, 12-17, Dec. 18, 1963, 77 Stat. 403 to 415, to be known as the “Vocational

Education Act of 1963” were omitted in the general reorganization of Pub. L. 88-210 by Pub. L. 90-576, title I, §101, Oct. 16, 1968, 82 Stat. 1064, which redesignated such Part A as title I of Pub. L. 88-210 and, as so redesignated, completely reorganized such title I and authorized its citation as the “Vocational Education Act of 1963”. Such act, as redesignated and reorganized, was classified to section 1241 et seq. of this title.

Section 35, Pub. L. 88-210, §1, Dec. 18, 1963, 77 Stat. 403, set out declaration of policy as to sections 35 to 35n of this title.

Section 35 note, Pub. L. 88-210, §17, Dec. 18, 1963, 77 Stat. 415, named sections 1-17 of Pub. L. 88-210 the “Vocational Education Act of 1963”. See Codification note set out preceding section 2301 of this title.

Section 35a, Pub. L. 88-210, §2, Dec. 18, 1963, 77 Stat. 403, authorized annual appropriations.

Section 35b, Pub. L. 88-210, §3, Dec. 18, 1963, 77 Stat. 403, covered determination of allotment to be made to each State of sums appropriated under section 35a of this title.

Section 35c, Pub. L. 88-210, §4, Dec. 18, 1963, 77 Stat. 405, set out allowable uses for allotments.

Section 35d, Pub. L. 88-210, §5, Dec. 18, 1963, 77 Stat. 405, set out requisite elements of State plan and covered the designation of State board and State advisory council, policy and procedure for allocation of allotment, qualifications of persons under the plan, arrangements with public employment offices, accounting and fiscal control, labor standards, and reports.

Section 35e, Pub. L. 88-210, §6, Dec. 18, 1963, 77 Stat. 407, set conditions for payments to States.

Section 35f, Pub. L. 88-210, §7, Dec. 18, 1963, 77 Stat. 408, provided for application of labor standards under the Davis-Bacon Act (now 40 U.S.C. 3141 to 3144, 3146, and 3147) to construction projects assisted under sections 35 to 35n of this title.

Section 35g, Pub. L. 88-210, §8, Dec. 18, 1963, 77 Stat. 408, defined terms used in sections 35 to 35n of this title.

Section 35h, Pub. L. 88-210, §9, Dec. 18, 1963, 77 Stat. 410, established Advisory Committee on Vocational Education.

Section 35i, Pub. L. 88-210, §10, Dec. 18, 1963, 77 Stat. 410, covered uses of allotments obtained under other statutes.

Section 35j, Pub. L. 88-210, §12, Dec. 18, 1963, 77 Stat. 411, established Advisory Council on Vocational Education.

Section 35k, Pub. L. 88-210, §13, Dec. 18, 1963, 77 Stat. 412, provided for creation and funding of work-study programs.

Section 35l, Pub. L. 88-210, §14, Dec. 18, 1963, 77 Stat. 414, authorized grants for residential vocational education schools.

Section 35m, Pub. L. 88-210, §15, Dec. 18, 1963, 77 Stat. 415, authorized appropriations for work-study and residential schools.

Section 35n, Pub. L. 88-210, §16, Dec. 18, 1963, 77 Stat. 415, prohibited statutory construction authorizing Federal direction, supervision, or controls of programs under sections 35 to 35n of this title.

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#### SUBCHAPTER I—CHARTER PROVISIONS

##### § 41. Incorporation of institution

The President, the Vice President, the Chief Justice, and the heads of executive departments are constituted an establishment by the name of the Smithsonian Institution for the increase and diffusion of knowledge among men, and by that name shall be known and have perpetual succession with the powers, limitations, and restrictions hereinafter contained, and no other.

(R.S. §5579; Feb. 27, 1877, ch. 69, 19 Stat. 253; Mar. 12, 1894, ch. 36, 28 Stat. 41.)

#### CODIFICATION

R.S. §5579 derived from acts Aug. 10, 1846, ch. 178, §1, 9 Stat. 102; Mar. 20, 1871, ch. 1, 17 Stat. 1.

R.S. §§ 5579 to 5594 (codified as sections 41 to 46, 48, 50, 51 to 53, 54 to 57, and 67 of this title) constituted Title 73 of the Revised Statutes, entitled “The Smithsonian Institution.” A preamble to these sections was as follows: “James Smithson, esquire, of London, in the kingdom of Great Britain, having by his last will and testament given the whole of his property to the United States of America, to found, at Washington, under the name of the ‘Smithsonian Institution,’ an establishment for the increase and diffusion of knowledge among men; and the United States having, by an act of Congress, received said property and accepted said trust; therefore, for the faithful execution of said trust, according to the will of the liberal and enlightened donor.”

R.S. § 5579, as originally enacted, constituted the President, the Vice-President, the Secretaries of State, the Treasury, War, and the Navy, the Postmaster-General, the Attorney-General, the Chief Justice, the Commissioner of the Patent Office, and the Governor of the District of Columbia, and such persons as they might elect honorary members, an establishment by the name of the “Smithsonian Institution,” for the purposes and with the powers specified in the section as set forth here.

#### AMENDMENTS

1894—Act Mar. 12, 1894, substituted “the Chief Justice, and heads of executive departments” for “the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney General, the Chief Justice, the Commissioner of Patents, the governor of the District of Columbia, and other such persons as they may elect honorary members”.

1877—Act Feb. 27, 1877, substituted “Patents” for “Patent Office”.

#### SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–72, § 1, Aug. 15, 2003, 117 Stat. 888, provided that: “This Act [enacting section 2531–8 of Title 41, Public Contracts, enacting provisions set out as notes under section 75b of this title and section 3521 of Title 5, Government Organization and Employees, and amending provisions set out as a note under section 50 of this title] may be cited as the ‘Smithsonian Facilities Authorization Act’.”

#### SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89–674, § 1, Oct. 15, 1966, 80 Stat. 953, provided: “That this Act [enacting section 65a of this title and repealing section 65 of this title] may be cited as the ‘National Museum Act of 1966’.”

### § 42. Board of Regents; members

(a) The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, three Members of the Senate, three Members of the House of Representatives, and nine other persons, other than Members of Congress, two of whom shall be resident in the city of Washington, and seven of whom shall be inhabitants of some State, but no two of them of the same State.

(b) Notwithstanding any other provision of law, the Board of Regents of the Smithsonian Institution may modify the number of members, manner of appointment of members, or tenure of members, of the boards or commissions under the jurisdiction of the Smithsonian Institution, other than—

(1) the Board of Regents of the Smithsonian Institution; and

(2) the boards or commissions of the National Gallery of Art, the John F. Kennedy Center for the Performing Arts, and the Woodrow Wilson International Center for Scholars.

(R.S. § 5580; Mar. 12, 1894, ch. 36, 28 Stat. 41; Pub. L. 91–551, § 1(a), Dec. 15, 1970, 84 Stat. 1439; Pub. L. 105–277, div. A, § 101(e) [title III, § 355], Oct. 21, 1998, 112 Stat. 2681–231, 2681–303.)

#### CODIFICATION

R.S. § 5580 derived from acts Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103; Jan. 10, 1865, ch. 11, 13 Stat. 420; Mar. 20, 1871, ch. 1, 17 Stat. 1.

#### AMENDMENTS

1998—Pub. L. 105–277 designated existing provisions as subsec. (a) and added subsec. (b).

1970—Pub. L. 91–551 authorized three additional persons on the Board of Regents.

1894—Act Mar. 12, 1894, struck out “the governor of the District of Columbia” after “the Chief Justice of the United States,”.

### § 43. Appointment of regents; terms of office; vacancies

The regents to be selected shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Congress. The Members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

(R.S. § 5581; Pub. L. 91–551, § 1(b), (c), Dec. 15, 1970, 84 Stat. 1440.)

#### CODIFICATION

R.S. § 5581 derived from act Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103.

#### AMENDMENTS

1970—Pub. L. 91–551 authorized appointment of three additional members of the board by joint resolution of Congress.

### § 44. Organization of board; expenses; gratuitous services

The Board of Regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian Institution, and a suitable person as Secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board;

and, on application of any three of the regents to the Secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, eight shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the Secretary of the board; but his service as regent shall be gratuitous.

(R.S. § 5582; Pub. L. 91-551, § 1(d), Dec. 15, 1970, 84 Stat. 1440.)

#### CODIFICATION

R.S. § 5582 derived from act Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103.

#### AMENDMENTS

1970—Pub. L. 91-551 increased number of members required to constitute a quorum from five to eight.

### § 45. Special meetings of members

The members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the President, and in his absence the Vice President, shall preside.

(R.S. § 5585.)

#### CODIFICATION

R.S. § 5585 derived from act Aug. 10, 1846, ch. 178, § 8, 9 Stat. 103.

### § 46. Duties of Secretary

The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution until no longer needed in conducting current business; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

(R.S. § 5583; Oct. 25, 1951, ch. 562, § 2(4), 65 Stat. 639.)

#### CODIFICATION

R.S. § 5583 derived from act Aug. 10, 1846, ch. 178, § 7, 9 Stat. 105.

#### AMENDMENTS

1951—Act Oct. 25, 1951, inserted “until no longer needed in conducting current business”.

### § 46a. Employment of aliens by Secretary

The Secretary of the Smithsonian Institution, subject to adequate security and other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard

to statutory provisions prohibiting payment of compensation to aliens.

(Pub. L. 88-549, Aug. 31, 1964, 78 Stat. 754.)

### § 47. Acting Secretary

The chancellor of the Smithsonian Institution may, by an instrument in writing filed in the office of the Secretary thereof, designate and appoint a suitable person to act as Secretary of the Institution when there shall be a vacancy in said office, and whenever the Secretary shall be unable from illness, absence, or other cause to perform the duties of his office; and in such case the person so appointed may perform all the duties imposed on the Secretary by law until the vacancy shall be filled or such inability shall cease. The said chancellor may change such designation and appointment from time to time as the interests of the Institution may in his judgment require.

(May 13, 1884, ch. 44, 23 Stat. 21.)

#### PRIOR PROVISIONS

Similar prior provisions were contained in act Jan. 24, 1879, ch. 21, 20 Stat. 264.

### § 48. Salary and removal of Secretary and assistants

The Secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require such removal.

(R.S. § 5584.)

#### CODIFICATION

R.S. § 5584 derived from act Aug. 10, 1846, ch. 178, § 7, 9 Stat. 105.

Provisions which related to semi-annual payments on the first day of January and July have been omitted.

### § 49. Omitted

#### CODIFICATION

Section, act Oct. 2, 1888, ch. 1069, 25 Stat. 529, which required the Secretary of the Smithsonian Institution to submit to Congress annually a detailed statement of expenditures under appropriations for “International Exchanges,” “North American Ethnology,” and the “National Museum,” terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 192 of House Document No. 103-7.

### § 50. Reception and arrangement of specimens and objects of art

Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens belonging to the United States, which may be in the city of Washington, in whosoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the institution as best to facilitate the examination and study of them; and whenever new specimens in natural

history, geology, or mineralogy are obtained for the museum of the institution, by exchanges of duplicate specimens, which the Regents may in their discretion make, or by donation, which they may receive, or otherwise, the Regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the institution.

(R.S. § 5586.)

#### CODIFICATION

R.S. § 5586 derived from act Aug. 10, 1846, ch. 178, § 6, 9 Stat. 105.

#### VERITAS ASTROPHYSICAL OBSERVATORY PROJECT; AUTHORIZATION OF CONSTRUCTION AND APPROPRIATIONS

Pub. L. 108-331, Oct. 16, 2004, 118 Stat. 1281, provided that:

“SECTION 1. AUTHORIZING BOARD OF REGENTS OF SMITHSONIAN INSTITUTION TO CARRY OUT CONSTRUCTION AND RELATED ACTIVITIES IN SUPPORT OF VERITAS ASTROPHYSICAL OBSERVATORY PROJECT.

“The Board of Regents of the Smithsonian Institution is authorized to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona.

“SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated \$1,000,000 for fiscal year 2005 to carry out section 1.”

#### COLLECTION AND PRESERVATION OF ARTIFACTS RELATING TO SEPTEMBER 11TH ATTACKS

Pub. L. 107-117, div. B, § 701, Jan. 10, 2002, 115 Stat. 2311, provided that:

“(a) IN GENERAL.—The Secretary of the Smithsonian Institution shall collect and preserve in the National Museum of American History artifacts relating to the September 11th attacks on the World Trade Center and the Pentagon.

“(b) TYPES OF ARTIFACTS.—In carrying out subsection (a), the Secretary of the Smithsonian Institution shall consider collecting and preserving—

“(1) pieces of the World Trade Center and the Pentagon;

“(2) still and video images made by private individuals and the media;

“(3) personal narratives of survivors, rescuers, and government officials; and

“(4) other artifacts, recordings, and testimonials that the Secretary of the Smithsonian Institution determines have lasting historical significance.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Smithsonian Institution \$5,000,000 to carry out this section.”

#### SMITHSONIAN ASTROPHYSICAL OBSERVATORY SUBMILLIMETER ARRAY; AUTHORIZATION OF CONSTRUCTION AND APPROPRIATIONS

Pub. L. 106-383, Oct. 27, 2000, 114 Stat. 1459, provided that:

“SECTION 1. FACILITY AUTHORIZED.

“The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

“SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to

carry out this Act, \$2,000,000 for fiscal year 2001, and \$2,500,000 for fiscal year 2002, which shall remain available until expended.”

#### SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM

Pub. L. 105-178, title I, § 1214(b), June 9, 1998, 112 Stat. 204, provided that:

“(1) IN GENERAL.—The Secretary [of Transportation] shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

“(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

“(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

“(B) to enhance the care and protection of the Nation’s collection of transportation-related artifacts;

“(C) to acquire historically significant transportation-related artifacts; and

“(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) \$1,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

“(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.”

#### NATIONAL HEALTH MUSEUM

Pub. L. 105-78, title VII, Nov. 13, 1997, 111 Stat. 1524, known as the National Health Museum Development Act, which provided that the National Health Museum would be located on or near the Mall, established the National Health Museum Commission and its duties, including submission of a report to the President and Congress, provided that all Commission activities would be administered in accordance with the Federal Advisory Committee Act, provided for compensation of Commission members who were not officers or employees of the U.S., appropriated funds, and specified the Commission would terminate 60 days after submission of the report, was repealed, except for section 702, by Pub. L. 107-303, title III, § 303, Nov. 27, 2002, 116 Stat. 2361. Section 702 of Pub. L. 105-78 amended section 1067 of Pub. L. 103-337, set out as a note under section 176 of Title 10, Armed Forces.

#### WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING

Pub. L. 103-151, Nov. 24, 1993, 107 Stat. 1515, provided that:

“SECTION 1. PLANNING, DESIGN, AND CONSTRUCTION OF WEST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING.

“The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct the West Court of the National Museum of Natural History building.

“SEC. 2. FUNDING.

“No appropriated funds may be used to pay any expense of the planning, design, and construction authorized by section 1.”

#### EAST COURT OF NATIONAL MUSEUM OF NATURAL HISTORY BUILDING

Pub. L. 101-455, Oct. 24, 1990, 104 Stat. 1067, as amended by Pub. L. 103-98, § 1(a), Oct. 6, 1993, 107 Stat. 1015, provided that:

“SECTION 1. ADDITIONAL SPACE IN NATIONAL MUSEUM OF NATURAL HISTORY.

“The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip approximately 80,000 square feet of space in the East Court of the National Museum of Natural History building.

“SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Smithsonian Institution for fiscal year 1991 and succeeding fiscal years not to exceed \$30,000,000 to carry out this Act.”

[Section 1(b) of Pub. L. 103-98 provided that: “The amendment made by subsection (a) [amending section 2 of Pub. L. 101-455, set out above] shall take effect as of October 24, 1990.”]

CHARLES MCC. MATHIAS, JR. LABORATORY FOR ENVIRONMENTAL RESEARCH

Pub. L. 99-617, §1, Nov. 6, 1986, 100 Stat. 3488, provided that:

“(a) CONSTRUCTION AUTHORIZATION.—The Board of Regents of the Smithsonian Institution is authorized to construct the Charles McC. Mathias, Jr. Laboratory for Environmental Research.

“(b) LOCATION.—The Charles McC. Mathias, Jr. Laboratory for Environmental Research shall be located at the Smithsonian Environmental Research Center, a bureau of the Smithsonian Institution, located at Edgewater, Maryland.

“(c) AUTHORIZATION OF APPROPRIATIONS.—Effective October 1, 1986, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution \$1,000,000 to carry out the purposes of this section.

“(d) TRANSFER OF FUNDS.—Any portion of the sums appropriated to carry out the purposes of this section may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.”

SMITHSONIAN ASTROPHYSICAL OBSERVATORY AND SMITHSONIAN TROPICAL RESEARCH INSTITUTE; AUTHORIZATION OF CONSTRUCTION AND APPROPRIATIONS

Pub. L. 99-423, Sept. 30, 1986, 100 Stat. 963, provided: “That the Board of Regents of the Smithsonian Institution is authorized to plan and construct facilities for the Smithsonian Astrophysical Observatory and the Smithsonian Tropical Research Institute.

“SEC. 2. Effective October 1, 1986, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution:

“(a) \$4,500,000 for the Smithsonian Astrophysical Observatory; and

“(b) \$11,100,000 for the Smithsonian Tropical Research Institute.

“SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.”

FRED LAWRENCE WHIPPLE OBSERVATORY; PURCHASE OF LAND

Pub. L. 98-73, Aug. 11, 1983, 97 Stat. 406, provided: “That the Smithsonian Institution is authorized to purchase land in Santa Cruz County, Arizona, for the permanent headquarters of the Fred Lawrence Whipple Observatory.

“SEC. 2. Effective October 1, 1984, there is authorized to be appropriated \$150,000 to carry out the purposes of this Act.”

CONSTRUCTION OF NATIONAL MUSEUM OF AFRICAN ART, CENTER FOR EASTERN ART, AND STRUCTURES FOR RELATED EDUCATIONAL FACILITIES

Pub. L. 97-203, June 24, 1982, 96 Stat. 129, provided: “That the Board of Regents of the Smithsonian Institution is authorized to construct a building for the National Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street Southwest, in the city of Washington.

“SEC. 2. Effective October 1, 1982, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution \$36,500,000 to carry out the purposes of this Act [this note]. Except for funds obligated or expended for planning, administration, and management expenses, and architectural or other consulting services, no funds appropriated pursuant to this section shall be obligated or expended until such time as there is available to such Board, from private donations or from other non-Federal sources, a sum which, when combined with the funds so appropriated, is sufficient to carry out the purposes of this Act.

“SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act [this note] may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.”

SMITHSONIAN INSTITUTION; DEVELOPMENT OF PROPERTY ADJACENT TO ORIGINAL BUILDING

Pub. L. 96-36, July 20, 1979, 93 Stat. 94, provided: “That the Board of Regents of the Smithsonian Institution is authorized to plan for the development of the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street, Southwest, in the city of Washington.

“SEC. 2. Effective October 1, 1979, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution \$500,000 to carry out the purposes of this Act.

“SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.”

SMITHSONIAN INSTITUTION PLANS FOR AND CONSTRUCTION OF MUSEUM SUPPORT FACILITIES; APPROVAL OF PLANS AND SPECIFICATIONS; SITUS; TRANSFER OF LAND; APPROPRIATIONS; CONTRACTS BY GENERAL SERVICES ADMINISTRATION

Pub. L. 94-98, Sept. 19, 1975, 89 Stat. 480, as amended by Pub. L. 95-569, Nov. 2, 1978, 92 Stat. 2444; Pub. L. 108-72, §2, Aug. 15, 2003, 117 Stat. 888, provided that: “The Regents of the Smithsonian Institution are authorized to prepare plans for, and to construct, museum support facilities to be used for (1) the care, curation, conservation, deposit, preparation, and study of the national collections of scientific, historic, and artistic objects, specimens, and artifacts; (2) the related documentation of such collections of the Smithsonian Institution; and (3) the training of museum conservators. No appropriation shall be made to construct the facilities authorized by this Act until the Committee on Public Works and Transportation of the House of Representatives and the Committee on Rules and Administration of the Senate, by resolution approve the final plans and specifications of such facilities.

“SEC. 2. The museum support facilities referred to in section 1 shall be located on federally owned land within the metropolitan area of Washington, District of Columbia. Any Federal agency is authorized to transfer land under its jurisdiction to the Smithsonian Institution for such purposes without reimbursement.



“SEC. 3. There is authorized to be appropriated to the Smithsonian Institution \$21,500,000 to carry out this Act (other than section 4). Any portion of the sums appropriated for such purposes may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.

“SEC. 4. Additional space and resources for national collections held by the Smithsonian Institution.

“(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, construct, and equip additional special use storage and laboratory space at the museum support facility of the Smithsonian Institution in Suitland, Maryland, to accommodate the care, preservation, conservation, deposit, and study of national collections held in trust by the Institution.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$2,000,000 for fiscal year 2003;

“(2) \$10,000,000 for fiscal year 2004; and

“(3) such sums as are necessary for each of fiscal years 2005 through 2008.”

[Amendment of section 3 by Pub. L. 95-569 effective Oct. 1, 1979.]

#### NATIONAL MUSEUM

The National Museum was not created by any express statutory provision for that purpose. It was first mentioned in an appropriation for postage for “the National Museum in the Smithsonian Institution,” contained in act June 20, 1874, ch. 328, §1, 18 Stat. 103. An appropriation for a building for the use of the National Museum was made by act Mar. 3, 1879, ch. 182, §1, 20 Stat. 397, and annual appropriations have continuously been made for expenses of heating, etc., such building.

#### NATIONAL MUSEUM EXHIBIT

Res. Feb. 28, 1922, ch. 86, 42 Stat. 399, authorized Secretary of State to transfer to custody of Secretary of Institution for safekeeping and exhibition in National Museum the sword of George Washington and the staff of Benjamin Franklin, presented by Samuel T. Washington, and the sword of Andrew Jackson, presented by family of General Robert Armstrong.

#### TRANSPORTATION OF PROPERTY

Quartermaster-General and his officers were required to receive and transport property for National Museum by a provision of act July 5, 1884, ch. 217, 23 Stat. 107.

#### § 50a. Gellatly art collection; estimates of sums needed for preservation and maintenance

The Smithsonian Institution is authorized to include in its estimates of appropriations such sums as may be needful for the preservation and maintenance of the John Gellatly art collection. (June 5, 1929, ch. 9, 46 Stat. 5.)

#### § 51. Library

The Regents shall make, from the interest of the fund, an appropriation, not exceeding an average of \$25,000 annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge.

(R.S. § 5587.)

#### CODIFICATION

R.S. § 5587 derived from act Aug. 10, 1846, ch. 178, § 8, 9 Stat. 105.

#### PUBLIC USE OF RESEARCH AND STUDY FACILITIES OF CERTAIN INSTITUTIONS

Under provisions of R.S. § 94 and act Mar. 3, 1875, ch. 179, 18 Stat. 512, the Joint Committee on the Library of Congress was authorized to extend the use of the Library to the Regents of the Smithsonian Institution. These provisions were not classified to the Code, being rendered superfluous by a general declaration of public policy by Congress, by a joint resolution adopted Apr. 12, 1892, 27 Stat. 395, to the effect that facilities for study and research in the Library of Congress, the National Museum, and similar institutions shall be afforded investigators, students, etc., in the several states and territories as well as in the District of Columbia.

#### § 52. Evidence of title to site and buildings

The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and Secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution.

(R.S. § 5588.)

#### CODIFICATION

R.S. § 5588 derived from act Aug. 10, 1846, ch. 178, § 4, 9 Stat. 104.

#### § 53. Protection of property

All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to, the institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for.

(R.S. § 5589.)

#### CODIFICATION

R.S. § 5589 derived from act Aug. 10, 1846, ch. 178, § 5, 9 Stat. 104.

#### § 53a. Authorization of appropriations

Appropriations are authorized for the maintenance of the Astrophysical Observatory and the making of solar observations at high altitudes; for repairs and alterations of buildings and grounds occupied by the Smithsonian Institution in the District of Columbia and elsewhere; and for preparation of manuscripts, drawings, and illustrations for publications.

(Aug. 22, 1949, ch. 494, § 2, 63 Stat. 623.)

#### § 54. Appropriation of interest

So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of \$541,379.63, shall be lent to the United States Treasury and invested in public debt securities with maturities requested by the Smithsonian Institution bearing interest at rates determined by the Secretary of the Treasury, based upon current market yields on outstanding marketable obligations of the United States of com-

parable maturities, and this interest is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the Institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.

(R.S. § 5590; Pub. L. 97-199, § 1, June 22, 1982, 96 Stat. 121.)

#### CODIFICATION

R.S. § 5590 derived from acts Aug. 10, 1846, ch. 178, § 2, 9 Stat. 102; Feb. 5, 1867, ch. 34, § 2, 14 Stat. 391.

#### AMENDMENTS

1982—Pub. L. 97-199 substituted “and invested in public debt securities with maturities requested by the Smithsonian Institution bearing interest at rates determined by the Secretary of the Treasury, based upon current market yields on outstanding marketable obligations of the United States of comparable maturities, and this interest is hereby” for “, at 6 per centum per annum interest; and 6 per centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the first of January and July in each year, is”, substituted “purposes of the Institution” for “purposes of the institution”, and substituted “are hereby pledged” for “are pledged”.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 2 of Pub. L. 97-199 provided that: “The amendment made by the first section [amending this section] shall apply with respect to fiscal years beginning after September 30, 1982.”

### § 55. Acceptance of other sums

The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the Regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of \$1,000,000. This shall not operate as a limitation on the power of the Smithsonian Institution to receive money or other property by gift, bequest, or devise, and to hold and dispose of the same in promotion of the purposes thereof.

(R.S. § 5591; Mar. 12, 1894, ch. 36, 28 Stat. 41.)

#### CODIFICATION

R.S. § 5591 derived from act Feb. 5, 1867, ch. 34, § 1, 14 Stat. 391.

#### AMENDMENTS

1894—Act Mar. 12, 1894, made limitation on deposits into the Treasury inapplicable to receipt of gifts, bequests and devises and dispositions of money or other property.

### § 56. Disposal of unappropriated money

The Regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as

they shall deem best suited for the promotion of the purpose of the testator.

(R.S. § 5592.)

#### CODIFICATION

R.S. § 5592 derived from act Aug. 10, 1846, ch. 178, § 9, 9 Stat. 105.

### § 57. Disbursements

Whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of sections 41 to 46, 48, 50, 51 to 53, 54 to 57, and 67 of this title, or for making the purchases and executing the objects authorized by said sections, the Board of Regents, or the executive committee thereof, may certify to the chancellor and secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. The board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution.

(R.S. § 5593.)

#### CODIFICATION

R.S. § 5593 derived from act Aug. 10, 1846, ch. 178, § 3, 9 Stat. 103.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to submitting a report to Congress at each session of Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 192 of House Document No. 103-7.

### § 58. Omitted

#### CODIFICATION

Section, act Mar. 3, 1899, ch. 424, § 1, 30 Stat. 1085, which required that the salaries of officers and employees paid from appropriations under the Smithsonian Institution be reported to Congress annually, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 192 of House Document No. 103-7.

### § 59. Collections of National Ocean Survey, United States Geological Survey, and others deposited in National Museum

All collections of rocks, minerals, soils, fossils, and objects of natural history, archaeology, and ethnology, made by the National Ocean Survey, the United States Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress shall be deposited in the National Museum.

(Mar. 3, 1879, ch. 182, § 1, 20 Stat. 394; 1965 Reorg. Plan No. 2, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 102-154, title I, Nov. 13, 1991, 105 Stat. 1000.)

#### CODIFICATION

Words “Coast and Interior Survey” appearing in act Mar. 3, 1879, were in prior editions of the Code changed

to “Coast and Geodetic Survey.” Congress never created a Coast and Interior Survey. In a communication dated Nov. 6, 1940, the Director of the Geological Survey explained that the words “Coast and Interior Survey” were inadvertently incorporated upon authority of report contained in Senate Misc. Doc. No. 9, 45th Congress, 3d Session, which recommended the “Coast and Geodetic Survey” be changed to “United States Coast and Interior Survey” and an organization be created in the Interior Department to be known as the “United States Geological Survey.” Congress adopted only the latter suggestion.

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes set out under section 311 of Title 15, Commerce and Trade.

#### CHANGE OF NAME

“United States Geological Survey” substituted in text for “Geological Survey” pursuant to provision of title I of Pub. L. 102-154, set out as a note under section 31 of Title 43, Public Lands.

#### NATIONAL MUSEUM

Establishment of the National Museum, see note set out under section 50 of this title.

#### NATIONAL MUSEUM OF AMERICAN HISTORY

Pub. L. 96-441, §2, Oct. 13, 1980, 94 Stat. 1884, provided that: “The bureau of the Smithsonian Institution known as the Museum of History and Technology and so referred to in the Act entitled ‘An Act to authorize the construction of a building for a Museum of History and Technology for the Smithsonian Institution, including the preparation of plans and specifications, and all other work incidental thereto’, approved June 28, 1955 (20 U.S.C. 59 note), shall be known as the ‘National Museum of American History’.”

For provision deeming references to the Museum of History and Technology in laws and regulations to be references to the National Museum of American History, see section 3 of Pub. L. 96-441, set out as a note under section 71 of this title.

#### MUSEUM OF HISTORY AND TECHNOLOGY FOR THE SMITHSONIAN INSTITUTION

Act June 28, 1955, ch. 201, 69 Stat. 189, authorized construction of a building for a Museum of History and Technology, which was redesignated the National Museum of American History, for the use of the Smithsonian Institution, at a cost not to exceed \$36,000,000.

#### § 60. Army articles furnished to National Museum

The Secretary of the Army is authorized to furnish to the National Museum, for exhibition, upon request therefor by the administrative head thereof, such articles of arms, materiel, equipment, or clothing as have been issued from time to time to the United States Army, or which have been or may hereafter be produced for the United States Army, and which are objects of general interest or of foreign or curious research, provided that such articles can be spared.

(Mar. 4, 1921, ch. 166, §1, 41 Stat. 1438; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Oct. 31, 1951, ch. 654, §3(4), 65 Stat. 708.)

#### AMENDMENTS

1951—Act Oct. 31, 1951, struck out “are surplus or” after “articles”.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### SECRETARY OF AIR FORCE

For transfer of certain personal property and personal property functions, insofar as they pertain to the Air Force, from Secretary of the Army to Secretary of the Air Force, see Secretary of Defense Transfer Order No. 39 [§2vv], eff. May 18, 1949.

#### §§ 61 to 64. Repealed. Oct. 31, 1951, ch. 654, §1(37)–(40), 65 Stat. 702

Section 61, act Mar. 3, 1879, ch. 182, §1, 20 Stat. 397, required archives, records and materials relating to Indians of North America to be turned over from Geographical and Geological Survey to Smithsonian Institution for purposes of completion of collection of information and its publication.

Section 62, act Aug. 1, 1914, ch. 223, §1, 38 Stat. 661, authorized Secretary of Commerce to transfer instruments of historical value of the Coast and Geodetic Survey [the National Ocean Survey] to Smithsonian Institution.

Section 63, act June 5, 1920, ch. 235, §1, 41 Stat. 930, related to transfer, by Secretary of Commerce, of Coast and Geodetic Survey [the National Ocean Survey] instruments of historical value, to educational institutions and museums.

Section 64, act Mar. 3, 1883, ch. 143, 22 Stat. 629, related to distribution of specimens of National Museum and Bureau of Fisheries to schools and colleges.

#### § 65. Repealed. Pub. L. 89-674, §3, Oct. 15, 1966, 80 Stat. 953

Section, act July 7, 1884, ch. 332, 23 Stat. 214, required Director of National Museum to report annually to Congress on progress of the Museum during the year and its present condition. See section 65a of this title.

#### § 65a. Director of the National Museum

##### (a) Duties; programs and studies; annual report to Congress

The Director of the National Museum under the direction of the Secretary of the Smithsonian Institution shall—

(1) cooperate with museums and their professional organizations in a continuing study of museum problems and opportunities, both in the United States and abroad;

(2) prepare and carry out programs by grant, contract, or directly for training career employees in museum practices in cooperation with museums, their professional organizations, and institutions of higher education either at the Smithsonian Institution or at the cooperating museum, organization, or institutions;

(3) prepare and distribute significant museum publications;

(4) perform research on, and otherwise contribute to, the development of museum tech-

niques, with emphasis on museum conservation and the development of a national institute for museum conservation;

(5) cooperate with departments and agencies of the Government of the United States operating, assisting, or otherwise concerned with museums; and

(6) report annually to the Congress on progress in these activities.

**(b) Authorization of appropriations**

There are hereby authorized to be appropriated to the Smithsonian Institution for the fiscal year 1981, the sum of \$803,000, and for the fiscal year 1982, the sum of \$1,000,000.

(Pub. L. 89-674, §2, Oct. 15, 1966, 80 Stat. 953; Pub. L. 91-629, §§1, 2 Dec. 31, 1970, 84 Stat. 1875; Pub. L. 93-345, §§1, 2, July 12, 1974, 88 Stat. 339; Pub. L. 94-336, July 1, 1976, 90 Stat. 795; Pub. L. 96-268, June 13, 1980, 94 Stat. 485.)

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-268 substituted provisions authorizing appropriations of \$803,000 for fiscal year 1981 and \$1,000,000 for fiscal year 1982 for provisions which had authorized appropriations of \$1,000,000 each year for fiscal years 1978, 1979, and 1980.

1976—Subsec. (b). Pub. L. 94-336 substituted provisions authorizing the appropriation of \$1,000,000 each year for fiscal years 1978, 1979, and 1980, for provisions under which there had been authorized to be appropriated whatever sums as might be necessary to carry out the purposes of the section, with a proviso that no more than \$1,000,000 could be appropriated annually through fiscal year 1977, of which no less than \$200,000, was to be allocated and used to carry out subsec. (a)(4) of this section.

1974—Subsec. (a)(4). Pub. L. 93-345, §1, inserted “, with emphasis on museum conservation and the development of a national institute for museum conservation” after “museum techniques”.

Subsec. (b). Pub. L. 93-345, §2, substituted provisions limiting to \$1,000,000 the amount which may be appropriated annually through fiscal year 1977, with no less than \$200,000 annually to be allocated and used to carry out the purposes of subsection (a)(4) of this section for provisions limiting to \$1,000,000 the amount which could be appropriated annually through fiscal year 1974, of which \$300,000 annually had to be allocated and used according to the formula of 33⅓ per centum for purposes of subsec. (a)(2), 33⅓ per centum for assistance to museums under section 954(c) of this title, and 33⅓ per centum for assistance to museums under section 956(c) of this title.

1970—Subsec. (a)(2). Pub. L. 91-629, §2, inserted provisions that programs be prepared and carried out by grant, contract, or directly and which authorized the training of career employees in museum practices in cooperation with institutions of higher education, and substituted provisions which authorized training programs to be conducted either at the Smithsonian Institution, or at the cooperating museum, organization, or institutions, for provisions which authorized such programs to be conducted at the best locations.

Subsec. (b). Pub. L. 91-629, §1, substituted provisions which authorized to be appropriated such sums as necessary to carry out the purposes of this section, with no more than \$1,000,000 to be appropriated annually through fiscal year 1974, of which \$300,000, annually, to be allocated in the enumerated manner, for provisions which authorized to be appropriated to carry out this section, not to exceed \$200,000 for the fiscal year ending June 30, 1968, \$250,000 for the fiscal years ending June 30, 1969, and June 30, 1970, and \$300,000 for the fiscal year ending June 30, 1971, and in each subsequent fiscal year, only such sums as the Congress hereafter authorizes by law.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (a)(6) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 192 of House Document No. 103-7.

**§ 66. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(19), 63 Stat. 400, eff. July 1, 1949; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583**

Section, act Mar. 3, 1915, ch. 75, §1, 38 Stat. 839, related to exchange of typewriters and adding machines.

**§ 67. Right of repeal**

Congress may alter, amend, add to, or repeal any of the provisions of sections 41 to 46, 48, 50, 51 to 53, and 54 to 57, of this title; but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.

(R.S. §5594.)

CODIFICATION

R.S. §5594 derived from act Aug. 10, 1846, ch. 178, §11, 9 Stat. 106.

**§ 68. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111**

Section, act Feb. 11, 1927, ch. 104, §1, 44 Stat. 1081, related to advertisements for proposals for purchases and services. See section 5 of Title 41, Public Contracts.

**§ 69. Anthropological researches; cooperation of Institution with States, educational institutions, or scientific organizations**

The Secretary of the Smithsonian Institution is hereby authorized to cooperate with any State, educational institution, or scientific organization in the United States to continue independently or in cooperation anthropological researches among the American Indians and the natives of lands under the jurisdiction or protection of the United States and the excavation and preservation of archaeological remains.

(Apr. 10, 1928, ch. 335, §1, 45 Stat. 413; Aug. 22, 1949, ch. 494, §1, 63 Stat. 623.)

AMENDMENTS

1949—Act Aug. 22, 1949, substituted “to continue independently or in cooperation anthropological” for “for continuing ethnological” and inserted “and the natives of lands under the jurisdiction or protection of the United States”.

**§ 70. Authorization of appropriations; cooperative work**

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, which shall be available until expended for the purposes stated in section 69 of this title: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State, educational institution, or scientific organization in any of the United States is prepared to contribute to such investigation and when, in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may direct that an amount from this sum equal to that contributed

by such State, educational institution, or scientific organization, not to exceed \$2,000, to be expended from such sum in any one State during any calendar year, be made available for cooperative investigation: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution: *Provided further*, That where lands are involved which are under the jurisdiction of the Bureau of Indian Affairs or the National Park Service, cooperative work thereon shall be under such regulations and conditions as the Secretary of the Interior may provide.

(Apr. 10, 1928, ch. 335, § 2, 45 Stat. 413.)

## SUBCHAPTER II—NATIONAL GALLERY OF ART

### § 71. Designation of site

The area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive, Northwest, in the District of Columbia, is appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institution a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive, Northwest, in the District of Columbia, is reserved as a site for future additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

(Mar. 24, 1937, ch. 50, § 1, 50 Stat. 51.)

#### SMITHSONIAN AMERICAN ART MUSEUM

Pub. L. 106-385, Oct. 27, 2000, 114 Stat. 1463, provided that:

#### “SECTION 1. RENAMING OF NATIONAL MUSEUM OF AMERICAN ART.

“(a) IN GENERAL.—The National Museum of American Art, as designated under section 1 of Public Law 96-441 (20 U.S.C. 71 note), shall be known as the ‘Smithsonian American Art Museum’.

“(b) REFERENCES IN LAW.—Any reference in any law, regulation, document, or paper to the National Museum of American Art shall be considered to be a reference to the Smithsonian American Art Museum.

#### “SEC. 2. EFFECTIVE DATE.

“Section 1 shall take effect on the day after the date of enactment of this Act [Oct. 27, 2000].”

Pub. L. 96-441, §§ 1, 3, 4, Oct. 13, 1980, 94 Stat. 1884, provided: “That the bureau of the Smithsonian Institution designated as the National Collection of Fine Arts by section 6(c) of the joint resolution entitled ‘Joint Resolution providing for the construction and maintenance of a National Gallery of Art’, approved March 24, 1937 (20 U.S.C. 71 note), shall be known as the ‘National Museum of American Art’.

“SEC. 3. Any reference in any law, regulation, document, or paper to the National Collection of Fine Arts or the Museum of History and Technology shall on and after the effective date of this Act [Oct. 13, 1980] be considered to be a reference to the National Museum of American Art and the National Museum of American History, respectively.

“SEC. 4. This Act shall take effect on the day after the date of the enactment of this Act [Oct. 13, 1980].”

Act Mar. 24, 1937, ch. 50, 50 Stat. 51, sections 1 to 5 of which are incorporated as sections 71, 72 to 74, and 75 of this title, provided in section 6(c) that: “The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.”

#### GENERAL POST OFFICE BUILDING; TRANSFER TO SMITHSONIAN INSTITUTION FOR USE AS ART GALLERIES; RELOCATION OF UNITED STATES INTERNATIONAL TRADE COMMISSION

Pub. L. 98-523, Oct. 19, 1984, 98 Stat. 2433, provided: “That at such time as it is declared to be excess property pursuant to section 2(d) of this Act, the Administrator of General Services (hereinafter in this Act referred to as the ‘Administrator’) is authorized to transfer to the Smithsonian Institution, in accordance with section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) [now 40 U.S.C. 521-527, 529], without reimbursement, and for use by the Smithsonian Institution for certain art galleries and related functions, the General Post Office Building with any attached underground structures and the site of such building, located between Seventh and Eighth Streets Northwest and E and F Streets Northwest, in the District of Columbia.

“SEC. 2. (a) The Administrator, at the earliest practicable date, shall relocate all operations of the United States International Trade Commission (hereinafter in this Act referred to as the ‘Commission’) to a building in downtown Washington, District of Columbia. The Administrator’s determination as to such relocation shall be based on studies and investigations in which the Chairman of the Commission shall have full opportunity to consult and cooperate with the Administrator. Such consultation shall include opportunity for the Chairman to participate jointly with the Administrator in surveys of available buildings and to submit views and recommendations to the Administrator with respect to space suitable for the Commission’s operations. The Administrator shall advise the Chairman in writing of the building to which the operations of the Commission are to be relocated. The Administrator’s determination of such relocation shall not take effect for a period of at least sixty days after the date such determination is made and the Chairman is advised of the building to which the operations of the Commission are to be relocated. In the event the Chairman disagrees with the Administrator’s determination of such relocation, the Chairman, within thirty days after the Chairman is advised of the building to which the operations of the Commission are to be relocated, may make a written request for review of such determination to the Administrator, and the Administrator shall conduct a formal review of such determination.

“(b) The Administrator and the Chairman shall each report separately in writing to the Committees on Environment and Public Works, Finance, Rules and Administration, and Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate and to the Committees on Public Works and Transportation, Ways and Means, House Administration, and Government Operations of the House of Representatives not later than sixty days after the date of enactment of this Act [Oct. 19, 1984] and every thirty days thereafter on the status of the relocation required by this section.

“(c) During the period in which the Commission and the United States Postal Service continue to occupy the General Post Office Building referred to in the first section of this Act, the Administrator shall maintain such building in order to prevent its deterioration and to assure that conditions therein are safe and the building is presentable and suitable to the normal operations of the Commission and such Service.

“(d) Upon accomplishment of the relocation required by subsection (a) of this section, the Administrator shall declare the property referred to in the first sec-

tion of this Act to be excess property as defined in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472) [now 40 U.S.C. 102].

“SEC. 3. There is authorized to be appropriated to the Board of Regents of the Smithsonian Institution \$40,000,000 for fiscal years beginning after September 30, 1984, for renovation and repair, after the transfer made under the first section of this Act, of the General Post Office Building referred to in such section. Any portion of the sums appropriated under this section may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such renovation and repair. No contract for such renovation or repair shall be advertised or entered into before the end of the period of thirty days of continuous session of Congress beginning on the date the Smithsonian Institution submits to the Committees on Public Works and Transportation and House Administration of the House of Representatives and the Committees on Environment and Public Works and Rules and Administration of the Senate the plans and advanced engineering and design for such renovation and repair. For purposes of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.”

#### **§ 71a. Additions; payment of construction costs from trust funds**

The Trustees of the National Gallery of Art are authorized to construct within the area reserved as a site for future additions by the third sentence of section 71 of this title one or more buildings to serve as additions to the National Gallery of Art. The cost of constructing any such building shall be paid from trust funds administered by such Trustees. The plans and specifications for any such building shall be approved by the Commission of Fine Arts and the National Capital Planning Commission.

(Pub. L. 90-376, § 1, July 5, 1968, 82 Stat. 286.)

#### **CODIFICATION**

Section was not enacted as part of act Mar. 24, 1937, ch. 50, 50 Stat. 51, which comprises this subchapter.

#### **TRANSFER OF JURISDICTION**

Section 4 of Pub. L. 90-376 provided that: “The Commissioner [Mayor] of the District of Columbia is authorized to transfer to the United States such jurisdiction as the District of Columbia may have over any of the property within the area referred to in the first section of this Act [this section].”

#### **PUBLIC UTILITY: PAYMENT OF COST OF RELOCATION OR PROTECTION FROM TRUST FUNDS**

Section 5 of Pub. L. 90-376 provided that: “If any public utility (whether privately or publicly owned) located within the area referred to in the first section of this Act [this section] is required to be relocated or protected by reason of the construction within such area of any addition to the National Gallery of Art, the cost of such relocation or protection shall be paid from trust funds administered by the Trustees of the National Gallery of Art.”

#### **§ 71b. Status of completed addition**

Any building constructed under authority of section 71a of this title shall, upon completion, be a part of the National Gallery of Art.

(Pub. L. 90-376, § 2, July 5, 1968, 82 Stat. 286.)

#### **CODIFICATION**

Section was not enacted as part of act Mar. 24, 1937, ch. 50, 50 Stat. 51, which comprises this subchapter.

### **§ 72. Board of Trustees**

#### **(a) Establishment**

There is established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this subchapter. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

#### **(b) Method of selection; term of office**

The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring ten years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

(Mar. 24, 1937, ch. 50, § 2, 50 Stat. 52.)

#### **DELEGATION OF FUNCTIONS BY SECRETARY OF STATE TO DIRECTOR OF UNITED STATES INFORMATION AGENCY**

Pub. L. 95-426, title II, § 205, Oct. 7, 1978, 92 Stat. 975, as amended by Pub. L. 97-241, title III, § 303(b), Aug. 24, 1982, 96 Stat. 291, provided that: “The Secretary of State may delegate to the Director of the United States Information Agency, with the consent of the Director, the functions vested in the Secretary by section 2(a) of the joint resolution entitled ‘Joint Resolution providing for the construction and maintenance of a National Gallery of Art’, approved March 24, 1937 (20 U.S.C. 72(a)).”

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of Title 22, Foreign Relations and Intercourse.]

### **§ 73. Acceptance of gift from A. W. Mellon**

Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art which shall be housed and exhibited in the National Gallery of Art.

(Mar. 24, 1937, ch. 50, § 3, 50 Stat. 52.)

**§ 74. Maintenance****(a) Pledge of funds for upkeep; authorization of appropriations**

The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this subchapter and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public free of charge. For these purposes, and to provide, prior to the completion of the National Gallery of Art, for the protection and care of the works of art in said Gallery and for administrative and operating expenses and equipment preparatory to the opening of the Gallery to the public, there are authorized to be appropriated such sums as may be necessary.

**(b) Acceptance of gifts and other property; investment of funds**

The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such depositories as the board shall determine and shall be subject to expenditure by the board.

**(c) Appointment and compensation of officers and employees**

The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or chapter 51 and subchapter III of chapter 53 of title 5. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office and the original appointment to each such office shall be subject to the approval of the donor.

**(d) Review of actions of board**

The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

(Mar. 24, 1937, ch. 50, § 4, 50 Stat. 52; Apr. 13, 1939, ch. 61, 53 Stat. 577; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

## REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

## CODIFICATION

In subsec. (c), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

## AMENDMENTS

1949—Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

1939—Subsec. (a). Act Apr. 13, 1939, inserted in last sentence “and to provide, prior to the completion of the National Gallery of Art, for the protection and care of the works of art in said Gallery and for administrative and operating expenses and equipment preparatory to the opening of the Gallery to the public”.

## REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

**§ 74a. Permanent loan of funds by Board of Trustees to Treasury; semiannual interest payments to Board**

The Secretary of the Treasury is authorized and directed to receive into the Treasury from time to time as a permanent loan by the Board of Trustees of the National Gallery of Art to the United States sums in cash of not to exceed \$5,000,000 in the aggregate, and to pay interest on the principal amount of such loan at a rate which is the higher of the rate of 4 per centum per annum or a rate which is .25 percentage points less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding long-term marketable obligations of the United States, adjusted to the nearest one-eighth of 1 per centum, payable semiannually. Such interest is permanently appropriated for payment to the Board of Trustees of the National Gallery of Art.

(Apr. 10, 1943, ch. 46, 57 Stat. 62; Pub. L. 94-418, Sept. 21, 1976, 90 Stat. 1278.)

## CODIFICATION

Section was not enacted as part of act Mar. 24, 1937, ch. 50, 50 Stat. 51, which comprises this subchapter.

## AMENDMENTS

1976—Pub. L. 94-418 inserted provision authorizing alternate interest rate to existing interest rate of 4 per centum per annum.

**§ 75. Authority and functions of the board****(a) Official seal; bylaws, rules, and regulations; quorum**

The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it

deems necessary for the administration of its functions under this subchapter, including, among other matters, bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

**(b) Quality of works of art**

In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless it be of similar high standard of quality to those in the collection acquired from the donor.

**(c) Powers and obligations**

The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

**(d) Annual reports**

The board shall submit to the Smithsonian Institution an annual report of its operations under this subchapter, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

(Mar. 24, 1937, ch. 50, § 5, 50 Stat. 53.)

SUBCHAPTER III—NATIONAL PORTRAIT GALLERY

**§ 75a. Definitions**

For the purposes of this subchapter—

(a) The term “Board” means the Board of Regents of the Smithsonian Institution.

(b) The term “Commission” means the National Portrait Gallery Commission as provided for in this subchapter.

(c) The term “Gallery” means the National Portrait Gallery established by this subchapter.

(d) The term “gift” includes a gift, bequest, or devise, whether outright or in trust, and any legal instrument by which the gift is effected.

(e) The term “portraiture” includes portraits and reproductions thereof made by any means or process, whether invented or developed heretofore or hereafter.

(Pub. L. 87-443, § 2, Apr. 27, 1962, 76 Stat. 62; Pub. L. 94-209, Feb. 5, 1976, 90 Stat. 30.)

AMENDMENTS

1976—Subsec. (e). Pub. L. 94-209 substituted “includes portraits and reproductions thereof made by any means or process, whether invented or developed heretofore or hereafter” for “for purposes of this subchapter shall mean painted or sculptured likenesses”.

SHORT TITLE

Pub. L. 87-443, § 1, provided: “That this Act [enacting this subchapter] may be cited as the ‘National Portrait Gallery Act’.”

**§ 75b. Establishment of National Portrait Gallery; functions**

(a) There is established in the Smithsonian Institution a bureau which shall be known as the

National Portrait Gallery. The functions of such bureau shall be those authorized by this subchapter. The use for the purposes of the Gallery of any part of the building transferred to the Smithsonian Institution pursuant to the Act of March 28, 1958 (72 Stat. 68), is authorized.

(b) The Gallery shall function as a free public museum for the exhibition and study of portraiture and statuary depicting men and women who have made significant contributions to the history, development, and culture of the people of the United States and of the artists who created such portraiture and statuary.

(Pub. L. 87-443, § 3, Apr. 27, 1962, 76 Stat. 62.)

REFERENCES IN TEXT

Act of March 28, 1958, referred to in subsec. (a), is act Mar. 28, 1958, Pub. L. 85-357, 72 Stat. 68, which was not classified to the Code.

PATENT OFFICE BUILDING IMPROVEMENTS

Pub. L. 108-72, § 3, Aug. 15, 2003, 117 Stat. 888, provided that:

“(a) AUTHORIZATION OF USE OF FUNDS.—

“(1) IN GENERAL.—The Board of Regents of the Smithsonian Institution may plan, design, and construct improvements to the interior and exterior of the Patent Office Building (including the construction of a roof covering for the courtyard), using funds available to the Institution from nonappropriated sources.

“(2) DEFINITION.—In this section, the term ‘Patent Office Building’ means the building transferred to the Smithsonian Institution pursuant to Public Law 85-357 [72 Stat. 68].

“(b) DESIGN AND SPECIFICATIONS.—The design and specifications for any exterior alterations authorized by subsection (a) shall be—

“(1) submitted by the Secretary of the Smithsonian Institution (referred to in this section as the ‘Secretary’) to the Commission of Fine Arts for comments and recommendations; and

“(2) subject to the review and approval of the National Capital Planning Commission in accordance with section 8722 of title 40, United States Code, and section 16 of the Act of June 20, 1938 (sec. 6-641.15, D.C. Official Code).

“(c) AUTHORITY OF HISTORIC PRESERVATION AGENCIES.—

“(1) IN GENERAL.—The Secretary shall—

“(A) take into account the effect of the improvements authorized by subsection (a) on the historic character of the Patent Office Building; and

“(B) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such improvements.

“(2) STATUS OF SMITHSONIAN.—In carrying out this subsection, and in carrying out other projects in the District of Columbia which are subject to the review and approval of the National Capital Planning Commission in accordance with section 16 of the Act of June 20, 1938 (sec. 6-641.15, D.C. Official Code), the Smithsonian Institution shall be deemed to be an agency for purposes of compliance with regulations promulgated by the Advisory Council on Historic Preservation pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f).”

**§ 75c. Creation of National Portrait Gallery Commission; members; functions; powers**

There is created the National Portrait Gallery Commission. The number, manner of appointment and tenure of the members of the Commission shall be such as the Board may from time to time prescribe. The Board may delegate to the Commission any function of the Gallery or



any function of the Board with respect to the Gallery. The Board may make rules and regulations for the conduct of the affairs of the Commission and the operation of the Gallery, and to the extent and under such limitations as the Board deems advisable, the Board may delegate to the Commission the power to make such rules and regulations.

(Pub. L. 87-443, § 4, Apr. 27, 1962, 76 Stat. 62.)

#### **§ 75d. Acceptance of gifts; title to property**

(a) The Board is authorized to accept for the Smithsonian Institution gifts of any property for the benefit of the Gallery.

(b) Legal title to all property (except property of the United States) held for the use or benefit of the Gallery shall be vested in the Smithsonian Institution. Subject to any limitations otherwise expressly provided by law, and, in the case of any gift, subject to any applicable restrictions under the terms of such gift, the Board is authorized to sell, exchange, or otherwise dispose of any property of whatsoever nature held by it, and to invest in, reinvest in, or purchase any property of whatsoever nature for the benefit of the National Portrait Gallery.

(Pub. L. 87-443, § 5, Apr. 27, 1962, 76 Stat. 62.)

#### **§ 75e. Powers of Board**

For the purpose of carrying out any function authorized by section 75b of this title, the Board may—

- (1) purchase, accept, borrow, or otherwise acquire portraiture, statuary, and other items for preservation, exhibition, or study. The Board may acquire any such item on the basis of its general historical interest, its artistic merit, or the historical significance of the individual to which it relates, or any combination of any such factors. The Board may acquire period furniture and other items to enhance its displays of portraiture and statuary.
- (2) preserve or restore any item acquired pursuant to paragraph (1).

(3) display, loan, store, or otherwise hold any such item.

(4) sell, exchange, donate, return, or otherwise dispose of any such item.

(Pub. L. 87-443, § 6, Apr. 27, 1962, 76 Stat. 63.)

#### **§ 75f. Director; appointment and compensation; officers and employees**

(a) The Board may appoint and fix the compensation and duties of a director of the Gallery, and his appointment and salary shall not be subject to the civil-service laws or chapter 51 and subchapter III of chapter 53 of title 5. The Board may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Gallery.

(b) The Board may delegate to the Secretary of the Smithsonian Institution, as well as to the Commission, any of its functions pursuant to subsection (a) of this section.

(Pub. L. 87-443, § 7, Apr. 27, 1962, 76 Stat. 63.)

#### REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (a), are set forth in Title 5, Government Organization and Em-

ployees. See, particularly, section 3301 et seq. of Title 5.

#### CODIFICATION

In subsec. (a), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, § 7(b) Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### **§ 75g. Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.

(Pub. L. 87-443, § 8, Apr. 27, 1962, 76 Stat. 63.)

### SUBCHAPTER IV—SMITHSONIAN GALLERY OF ART

#### **§§ 76, 76a. Omitted**

#### CODIFICATION

Section 76, act May 17, 1938, ch. 238, § 1, 52 Stat. 399, directed National Capital Park and Planning Commission to designate and President to assign a site for a building to house and display national collections of fine arts, portraits of eminent Americans, and works of artists deserving of recognition.

Section 76a, act May 17, 1938, ch. 238, § 2, 52 Stat. 399, created Smithsonian Gallery of Art Commission which terminated upon approval by Regents of Smithsonian Institution of design for buildings and grounds.

#### **§ 76b. Functions of Regents**

##### **(a) Solicitation of construction funds**

The Regents are authorized to solicit and receive subscriptions of funds from private sources for the purposes specified in this subsection. Funds so received shall be placed in a special deposit account with the Treasurer of the United States, and may be expended by the Regents to meet the cost of the construction of the building, including furnishings and equipment thereof, to obtain necessary drawings and specifications, make necessary surveys and estimates of cost, defray necessary administrative expenses, and secure other needful services.

##### **(b) Construction of building**

The Regents may, subject to the approval of the President, authorize the preparation of the site and the construction of the building, including approaches and landscaping of the grounds: *Provided*, That the Administrator of General Services shall supervise the preparation of the plans and specifications, make all necessary contracts, and supervise construction.

##### **(c) Name of building; supervision and control**

The name of the building shall be the Smithsonian Gallery of Art (hereinafter referred to as the “Gallery”), and it shall be under the supervision and control of the Regents and the Secretary of the Smithsonian Institution.

(May 17, 1938, ch. 238, § 3, 52 Stat. 400; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

#### TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works

Administrator, transferred to Administrator of General Services, and Federal Works Agency and office of Federal Works Administrator abolished by section 103 of act June 30, 1949. See text of, and Historical and Revision Notes under, section 303(b) of Title 40, Public Buildings, Property, and Works.

Functions of Director of Procurement relating to selection of location and sites of public buildings transferred to Federal Works Administrator by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 76c. Policy to foster appreciation of past and contemporary art**

**(a) Solicitations of private donations**

It shall be the policy of the Regents to maintain a worthy standard for the acceptance of art objects for exhibition in the Gallery, and to foster by public exhibitions from time to time in Washington, and other parts of the United States a growing appreciation of art, both of past and contemporary time; and the Regents are authorized to solicit and receive private donations of works of art and contributions of funds from private sources for the purchase of works of art. Funds so received shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purchase of works of art.

**(b) Solicitation of funds to acquire and sell works of art, employ artists, award scholarships, etc.**

In order to encourage the development of contemporary art and to effect the widest distribution and cultivation in matters of such art, the Regents are authorized to solicit and receive funds from private sources, to acquire (by purchase or otherwise) and sell contemporary works of art or copies thereof, to employ artists and other personnel, award scholarships, conduct exhibitions, and generally to do such things and have such other powers as will effectuate the purposes of this subsection. Funds received by the Regents under this subsection shall be placed in a special deposit account with the Treasurer of the United States and may be expended by the Regents for the purposes enumerated in this subsection and for no other purposes: *Provided*, That the Regents shall not incur any obligations under this subsection in excess of the funds available therefor.

(May 17, 1938, ch. 238, § 4, 52 Stat. 400.)

**§ 76d. Donations of works of art from Government agencies**

The Administrator of General Services and other agencies of the Government are authorized to donate to the Gallery any works of art now or hereafter under their control.

(May 17, 1938, ch. 238, § 5, 52 Stat. 401; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 FR 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

**TRANSFER OF FUNCTIONS**

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, transferred to Administrator of General Services, and Federal Works Agency and office of Federal Works Administrator abolished by section 103 of

act June 30, 1949. See text of, and Historical and Revision Notes under, section 303(b) of Title 40, Public Buildings, Property, and Works.

Public Buildings Branch of Procurement Division in Treasury Department and Public Works Administration and other agencies were consolidated into Federal Works Agency, and functions transferred to Federal Works Administrator, by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 76e. Housing or exhibiting objects of art possessed by Smithsonian Institution**

Such objects of art as the Government or the Smithsonian Institution now possess, or such as may hereafter be acquired, may be housed or exhibited in the Gallery, with the approval of and under such regulations as the Regents and Secretary of the Smithsonian Institution may prescribe.

(May 17, 1938, ch. 238, § 6, 52 Stat. 401.)

**§ 76f. Appointment, compensation, and duties of Director of Gallery; personnel**

The Regents may appoint and fix the compensation and duties of a Director of the Gallery and may employ such other officers and employees as may be necessary for the efficient operation and administration of the Gallery.

(May 17, 1938, ch. 238, § 7, 52 Stat. 401.)

**§ 76g. Authorization of appropriations**

There are authorized to be appropriated annually such sums as may be necessary to maintain and administer the Gallery, including the salaries of the Director and of other necessary officers and employees, and for special public exhibitions at Washington and elsewhere.

(May 17, 1938, ch. 238, § 8, 52 Stat. 401.)

**SUBCHAPTER V—JOHN F. KENNEDY  
CENTER FOR THE PERFORMING ARTS**

**§ 76h. Board of Trustees**

**(a) Establishment**

**(1) In general**

There is established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereafter in this subchapter referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy, and to execute such other functions as are vested in the Board by this subchapter.

**(2) Membership**

The Board shall be composed of—

- (A) the Secretary of Health and Human Services;
- (B) the Librarian of Congress;
- (C) the Secretary of State;
- (D) the Chairman of the Commission of Fine Arts;
- (E) the Mayor of the District of Columbia;
- (F) the Superintendent of Schools of the District of Columbia;

(G) the Director of the National Park Service;

(H) the Secretary of Education;

(I) the Secretary of the Smithsonian Institution;

(J)(i) the Speaker and the Minority Leader of the House of Representatives;

(ii) the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives; and

(iii) three additional Members of the House of Representatives appointed by the Speaker of the House of Representatives;

(K)(i) the Majority Leader and the Minority Leader of the Senate;

(ii) the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate; and

(iii) three additional Members of the Senate appointed by the President of the Senate; and

(L) thirty-six general trustees, who shall be citizens of the United States, to be appointed in accordance with subsection (b) of this section.

#### (b) General trustees

The general trustees shall be appointed by the President of the United States. Each trustee shall hold office as a member of the Board for a term of 6 years, except that—

(1) any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of the term;

(2) a member shall continue to serve until the successor of the member has been appointed; and

(3) the term of office of a member appointed before July 21, 1994, shall expire as designated at the time of appointment.

#### (c) Advisory Committee on the Arts

There shall be an Advisory Committee on the Arts composed of such members as the President of the United States may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried out by the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 76k(a) of this title. Members of the Advisory Committee on the Arts shall serve without compensation.

(Pub. L. 85-874, §2, Sept. 2, 1958, 72 Stat. 1698; Pub. L. 88-100, §§1, 2, Aug. 19, 1963, 77 Stat. 128;

Pub. L. 88-260, §1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 103-279, §2(b)(1), (c), (d), July 21, 1994, 108 Stat. 1409, 1410; Pub. L. 107-117, div. D, title II, §201(a), Jan. 10, 2002, 115 Stat. 2353.)

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-117 designated existing provisions as par. (1), inserted par. heading, struck out “hereby” before “established”, struck out second sentence, and added par. (2). Prior to amendment, second sentence read as follows: “The Board shall be composed as follows: The Secretary of Health and Human Services, the Librarian of Congress, the Director of the United States Information Agency, the Chairman of the Commission of Fine Arts, the Mayor of the District of Columbia, the Superintendent of Schools of the District of Columbia, the Director of the National Park Service, the Secretary of Education, the Secretary of the Smithsonian Institution, the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.”

1994—Pub. L. 103-279, §2(b)(1)(A), substituted section catchline for former section catchline.

Subsec. (a). Pub. L. 103-279, §2(b)(1)(A), inserted heading, in first sentence inserted “as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy,” after “and site thereof”, and in second sentence substituted “Superintendent of Schools of the District of Columbia” for “Chairman of the District of Columbia Recreation Board” and “the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate” for “three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives”.

Subsec. (b). Pub. L. 103-279, §2(c), inserted heading and amended text generally. Prior to amendment, text read as follows: “The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to August 19, 1963, shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.”

Subsec. (c). Pub. L. 103-279, §2(d), inserted heading, inserted “of the United States” before “may designate” in first sentence, substituted “carried out by the John” for “carried on in the John” in fifth sentence, and struck out before period at end of last sentence “, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee”.

1964—Subsecs. (a), (c). Pub. L. 88-260 substituted “John F. Kennedy Center for the Performing Arts” for “National Cultural Center” wherever appearing.

1963—Subsec. (a). Pub. L. 88-100, §1, substituted “thirty” for “fifteen” after “ex officio; and”.

Subsec. (b). Pub. L. 88-100, §2, inserted provisions governing the terms of the additional fifteen general trustees added to the Board by section 1 of Pub. L. 88-100.

#### CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 2(b)(2) of Pub. L. 103-279 provided that:

“(A) SUPERINTENDENT OF SCHOOLS OF THE DISTRICT OF COLUMBIA.—The amendment made by paragraph (1)(C)(i) [amending this section] shall take effect on the date of expiration of the term of the Chairman of the District of Columbia Recreation Board serving as a trustee of the John F. Kennedy Center for the Performing Arts on the date of enactment of this Act [July 21, 1994].

“(B) MEMBERS OF CONGRESS.—The amendment made by paragraph (1)(C)(ii) [amending this section] shall take effect on the date of enactment of this Act.”

#### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-410, §1, Oct. 30, 2004, 118 Stat. 2303, provided that: “This Act [amending sections 76q-1 and 76r of this title] may be cited as the ‘John F. Kennedy Center Reauthorization Act of 2004’.”

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-224, §1, Sept. 18, 2002, 116 Stat. 1340, provided that: “This Act [enacting section 76q-1 of this title and amending sections 76j, 76r, and 76s of this title] may be cited as the ‘John F. Kennedy Center Plaza Authorization Act of 2002’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-226, §1, Aug. 12, 1998, 112 Stat. 1513, provided that: “This Act [amending sections 76j, 76l, and 76r of this title] may be cited as the ‘John F. Kennedy Center for the Performing Arts Authorization Act of 1998’.”

#### SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-95, §1, Nov. 19, 1997, 111 Stat. 2148, provided that: “This Act [amending sections 76i to 76k and 76s of this title and section 193v of former Title 40, Public Buildings, Property, and Works] may be cited as the ‘John F. Kennedy Center Parking Improvement Act of 1997’.”

#### SHORT TITLE OF 1994 AMENDMENT

Section 1 of Pub. L. 103-279 provided that: “This Act [enacting sections 76r and 76s of this title, amending this section, sections 76j, 76k, 76l, and 76p of this title, and sections 193r, 193u, and 193v of former Title 40, Public Buildings, Property, and Works, enacting provisions set out as notes under this section, and amending provisions set out as a note under this section] may be cited as the ‘John F. Kennedy Center Act Amendments of 1994’.”

#### SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-473, title I, §101(c), Oct. 12, 1984, 98 Stat. 1837, 1876, provided that: “The following [amending section 76o of this title] may be cited as ‘The John F. Kennedy Center Act Amendments of 1984’.”

#### SHORT TITLE OF 1963 AMENDMENT

Section 5 of Pub. L. 88-100 provided that: “This Act [amending this section and sections 76l and 76m of this

title] may be cited as the ‘National Cultural Center Amendments Act of 1963’.”

#### SHORT TITLE

Section 1(a), formerly §1, of Pub. L. 85-874, as amended by Pub. L. 88-260, §1(1), Jan. 23, 1964, 78 Stat. 4; redesignated §1(a), Pub. L. 103-279, §2(a)(1), July 21, 1994, 108 Stat. 1409, provided that: “This Act [enacting this subchapter] may be cited as the ‘John F. Kennedy Center Act’.”

#### TERMS OF OFFICE FOR NEW GENERAL TRUSTEES

Pub. L. 107-117, div. D, title II, §201(b), Jan. 10, 2002, 115 Stat. 2354, provided that: “Section 2(b) of the John F. Kennedy Center Act (20 U.S.C. 76h(b)) shall apply to each general trustee of the John F. Kennedy Center for the Performing Arts whose position is established by the amendment made by subsection (a)(2) [amending this section] (referred to in this subsection as a ‘new general trustee’), except that the initial term of office of each new general trustee shall—

“(1) commence on the date on which the new general trustee is appointed by the President; and

“(2) terminate on September 1, 2007.”

#### NATIONAL CULTURAL CENTER; DESIGNATION OR REFERENCES

Section 2 of Pub. L. 88-260 provided that: “In addition to the amendments made by the first section of this Act [enacting sections 76n to 76q, and amending sections 76h to 76q of this title], any designation or reference to the National Cultural Center in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such Center as the John F. Kennedy Center for the Performing Arts.”

#### CONGRESSIONAL FINDINGS

Section 1(b) of Pub. L. 85-874, as added by Pub. L. 103-279, §2(a)(2), July 21, 1994, 108 Stat. 1409, provided that: “Congress finds that—

“(1) the late John Fitzgerald Kennedy served with distinction as President of the United States and as a Member of the Senate and the House of Representatives;

“(2) by the untimely death of John Fitzgerald Kennedy the United States and the world have suffered a great loss;

“(3) the late John Fitzgerald Kennedy was particularly devoted to education and cultural understanding and the advancement of the performing arts;

“(4) it is fitting and proper that a living institution of the performing arts, designated as the National Center for the Performing Arts, named in the memory and honor of this great leader, shall serve as the sole national monument to his memory within the District of Columbia and its environs;

“(5) such a living memorial serves all of the people of the United States by preserving, fostering, and transmitting the performing arts traditions of the people of the United States and other countries by producing and presenting music, opera, theater, dance, and other performing arts; and

“(6) such a living memorial should be housed in the John F. Kennedy Center for the Performing Arts, located in the District of Columbia.”

### § 76i. John F. Kennedy Center for the Performing Arts

#### (a) In general

The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south,

Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

**(b) Parking garage additions and site improvements**

**(1) In general**

Substantially in accordance with the plan entitled "Site Master Plan—Drawing Number 1997-2 April 29, 1997," and map number NCR 844/82571, the Board may design and construct—

(A) an addition to the parking garage at each of the north and south ends of the John F. Kennedy Center for the Performing Arts; and

(B) site improvements and modifications.

**(2) Availability**

The plan shall be on file and available for public inspection in the office of the Secretary of the Center.

**(3) Limitation on use of appropriated funds**

No appropriated funds may be used to pay the costs (including the repayment of obligations incurred to finance costs) of—

(A) the design and construction of an addition to the parking garage authorized under paragraph (1)(A);

(B) the design and construction of site improvements and modifications authorized under paragraph (1)(B) that the Board specifically designates will be financed using sources other than appropriated funds; or

(C) any project to acquire large screen format equipment for an interpretive theater, or to produce an interpretive film, that the Board specifically designates will be financed using sources other than appropriated funds.

(Pub. L. 85-874, §3, Sept. 2, 1958, 72 Stat. 1699; Pub. L. 88-260, §1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 105-95, §2, Nov. 19, 1997, 111 Stat. 2148.)

AMENDMENTS

1997—Pub. L. 105-95 substituted section catchline for former section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1964—Pub. L. 88-260 substituted "John F. Kennedy Center for the Performing Arts" for "National Cultural Center" wherever appearing.

**§ 76j. Duties of Board**

**(a) Programs, activities, and goals**

**(1) In general**

The Board shall—

(A) present classical and contemporary music, opera, drama, dance, and other performing arts from the United States and other countries;

(B) promote and maintain the John F. Kennedy Center for the Performing Arts as

the National Center for the Performing Arts—

(i) by developing and maintaining a leadership role in national performing arts education policy and programs, including developing and presenting original and innovative performing arts and educational programs for children, youth, families, adults, and educators designed specifically to foster an appreciation and understanding of the performing arts;

(ii) by developing and maintaining a comprehensive and broad program for national and community outreach, including establishing model programs for adaptation by other presenting and educational institutions; and

(iii) by conducting joint initiatives with the national education and outreach programs of the Very Special Arts, an entity affiliated with the John F. Kennedy Center for the Performing Arts which has an established program for the identification, development, and implementation of model programs and projects in the arts for disabled individuals;

(C) strive to ensure that the education and outreach programs and policies of the John F. Kennedy Center for the Performing Arts meet the highest level of excellence and reflect the cultural diversity of the United States;

(D) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts;

(E) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President;

(F) develop, and update annually, a comprehensive building needs plan for the features of the John F. Kennedy Center for the Performing Arts in existence on July 21, 1994;

(G) with respect to the building and site of the John F. Kennedy Center for the Performing Arts, plan, design, and construct each capital repair, replacement, improvement, rehabilitation, alteration, or modification necessary to maintain the functionality of the building and site at current standards of life, safety, security, and accessibility;

(H) provide—

(i) information and interpretation; and

(ii) with respect to the building and site of the John F. Kennedy Center for the Performing Arts, all necessary maintenance, repair, and alteration of, and all janitorial, security, and other services and equipment necessary for the operations of, the building and site, in a manner consistent with requirements for high quality operations; and

(I) ensure that safe and convenient access to the site of the John F. Kennedy Center for the Performing Arts is provided for pedestrians and vehicles.

**(2) Administrative powers and duties**

**(A) Authority to enter into contracts**

The Board, in accordance with applicable law, may enter into contracts or other ar-

rangements with, and make payments to, public agencies or private organizations or other private persons in order to carry out the functions of the Board under this subchapter. The authority described in the preceding sentence includes utilizing the services and facilities of other agencies, including the Department of the Interior, the General Services Administration, and the Smithsonian Institution.

**(B) Preparation of budget**

The Board shall prepare a budget pursuant to sections 1104, 1105(a), and 1513(b) of title 31.

**(C) Use of agency personnel**

The Board may utilize or employ the services of the personnel of any agency or instrumentality of the Federal Government or the District of Columbia, with the consent of the agency or the instrumentality concerned, on a reimbursable basis, and utilize voluntary and uncompensated personnel.

**(D) Selection of contractors**

In carrying out the duties of the Board under this subchapter, the Board may negotiate any contract—

(i) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 76q-1 of this title and for landscaping and other improvements to the Plaza; or

(ii) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts,

with selected contractors and award the contract on the basis of contractor qualifications as well as price.

**(E) Maintenance of halls**

The Board shall maintain the Hall of Nations, the Hall of States, and the Grand Foyer of the John F. Kennedy Center for the Performing Arts in a manner that is suitable to a national performing arts center that is operated as a Presidential memorial and in a manner consistent with other national Presidential memorials.

**(F) Maintenance of grounds**

The Board shall manage and operate the grounds of the John F. Kennedy Center for the Performing Arts in a manner consistent with National Park Service regulations and agreements in effect on July 21, 1994. No change in the management and operation of the grounds may be made without the express approval of Congress and of the Secretary of the Interior.

**(b) Restriction on additional memorials**

(1) Except as provided in paragraph (2) of this subsection, the Board shall assure that after December 2, 1983, no additional memorials or plaques in the nature of memorials shall be designated or installed in the public areas of the John F. Kennedy Center for the Performing Arts.

(2) Paragraph (1) of this subsection shall not apply to—

(A) any plaque acknowledging a gift from a foreign country;

(B) any plaque on a theater chair or a theater box acknowledging the gift of such chair or box; and

(C) any inscription on the marble walls in the north or south galleries, the Hall of States, or the Hall of Nations acknowledging a major contribution;

which plaque or inscription is permitted under policies of the Board in effect on December 2, 1983.

(3) For purposes of this subsection, testimonials and benefit performances shall not be construed to be memorials.

(Pub. L. 85-874, § 4, Sept. 2, 1958, 72 Stat. 1699; Pub. L. 88-260, § 1(3), Jan. 23, 1964, 78 Stat. 4; Pub. L. 98-205, § 4, Dec. 2, 1983, 97 Stat. 1388; Pub. L. 103-279, § 3, July 21, 1994, 108 Stat. 1411; Pub. L. 105-95, § 3(a), Nov. 19, 1997, 111 Stat. 2149; Pub. L. 105-226, §§ 2, 3, Aug. 12, 1998, 112 Stat. 1513; Pub. L. 107-224, § 4(a), Sept. 18, 2002, 116 Stat. 1343.)

AMENDMENTS

2002—Subsec. (a)(2)(D). Pub. L. 107-224 amended heading and text of subpar. (D) generally. Prior to amendment, text read as follows: “In carrying out the duties of the Board under this subchapter, the Board may negotiate any contract for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts with selected contractors and award the contract on the basis of contractor qualifications as well as price.”

1998—Subsec. (a)(1)(G). Pub. L. 105-226, § 2, amended subpar. (G) generally. Prior to amendment, subpar. (G) read as follows: “with respect to each feature of the building and site of the John F. Kennedy Center for the Performing Arts that is in existence on July 21, 1994 (including a theater, the garage, the plaza, or a building walkway), plan, design, and construct each capital repair, replacement, improvement, rehabilitation, alteration, or modification necessary for the feature;”.

Subsec. (a)(1)(H)(ii). Pub. L. 105-226, § 3, amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: “with respect to each feature of the building and site of the John F. Kennedy Center for the Performing Arts that is in existence on July 21, 1994 (including a theater, the garage, the plaza, or a building walkway), all necessary maintenance, repair, and alteration of, and all janitorial, security, and other services and equipment necessary for the operation of, the feature, in a manner consistent with requirements for high quality operations; and”.

1997—Subsec. (a)(1)(I). Pub. L. 105-95 added subpar. (I).

1994—Pub. L. 103-279 substituted section catchline for former section catchline, added heading and text of subsec. (a), and struck out former subsec. (a) which read as follows: “The Board shall—

“(1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,

“(2) present lectures and other programs,

“(3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation,

“(4) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts,

“(5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President.”

1983—Pub. L. 98-205 designated existing provisions as subsec. (a) and added subsec. (b).

1964—Pub. L. 88-260 struck out “and” at end of par. (3), substituted “John F. Kennedy Center for the Per-

forming Arts” for “Cultural Center” in par. (4), and added par. (5).

ACCESS TO JOHN F. KENNEDY CENTER FOR THE  
PERFORMING ARTS

Pub. L. 105-178, title I, §1214(a), June 9, 1998, 112 Stat. 204, provided that:

“(1) STUDY.—The Secretary [of Transportation], in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

“(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study with an assessment of the impacts (including environmental, aesthetic, economic, and historical impacts) associated with the implementation of each of the methods examined under the study.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection \$500,000 for fiscal year 1998.

“(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.”

## § 76k. Powers of Board

### (a) Solicitation and acceptance of gifts

The Board is authorized to solicit and accept for the John F. Kennedy Center for the Performing Arts, as a bureau of the Smithsonian Institution, and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the John F. Kennedy Center for the Performing Arts. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the John F. Kennedy Center for the Performing Arts. The income as and when collected shall be placed in such depositories as the Board shall determine and shall be subject to expenditure by the Board.

### (b) Appointment of officers and employees

#### (1) Chairperson and Secretary

The Board shall appoint and fix the compensation and duties of a Chairperson of the John F. Kennedy Center for the Performing Arts, who shall serve as the chief executive officer of the Center, and a Secretary of the John F. Kennedy Center for the Performing Arts. The Chairperson and Secretary shall be well qualified by experience and training to perform the duties of their respective offices.

#### (2) Senior level executive and other employees

The Chairperson of the John F. Kennedy Center for the Performing Arts may appoint—

(A) a senior level executive who, by virtue of the background of the individual, shall be

well suited to be responsible for facilities management and services and who may, without regard to the provisions of title 5, be appointed and compensated with appropriated funds, except that the compensation may not exceed the maximum rate of pay prescribed for level IV of the Executive Schedule under section 5315 of title 5; and

(B) such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board.

### (c) Transfer of property

Not later than October 1, 1995, the property, liabilities, contracts, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred from the Secretary of the Interior pursuant to the amendments made by the John F. Kennedy Center Act Amendments of 1994 shall be transferred, subject to section 1531 of title 31, to the Board as the Board and the Secretary of the Interior may determine appropriate. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which, and subject to the terms under which, the funds were originally authorized and appropriated.

### (d) Transfer of personnel

#### (1) In general

Employees of the National Park Service assigned to duties related to the functions being undertaken by the Board shall be transferred with their functions to the Board not later than October 1, 1995.

#### (2) Rights and benefits

Transferred employees shall remain in the Federal competitive service and retain all rights and benefits provided under title 5. For a period of not less than 3 years after the date of transfer of an employee under paragraph (1), the transferred employee shall retain the right of priority consideration under merit promotion procedures or lateral reassignment for all vacancies within the Department of the Interior.

#### (3) Park Police

All United States Park Police and Park Police guard force employees assigned to the John F. Kennedy Center for the Performing Arts shall remain employees of the National Park Service.

#### (4) Costs

All usual and customary costs associated with any adverse action or grievance proceeding resulting from the transfer of functions under this section that are incurred before October 1, 1995, shall be paid from funds appropriated to the John F. Kennedy Center for the Performing Arts.

#### (5) Reorganization authority

Nothing contained in this section shall prohibit the Board from reorganizing functions at the John F. Kennedy Center for the Per-

forming Arts in accordance with laws governing reorganizations.

**(e) Review of Board actions**

The actions of the Board relating to performing arts and to payments made or directed to be made by the Board from any trust funds shall not be subject to review by any officer or agency other than a court of law.

**(f) Collective bargaining**

**(1) "Theatrical employee" defined**

As used in this subsection, the term "theatrical employee" means a nonappropriated fund employee of the Board, who is engaged in a box office, performing, or theatrical trade that is the subject of a collective bargaining agreement as of January 1, 1994, including any change in the trade as a result of a technological advance.

**(2) Collective bargaining**

**(A) In general**

For the purposes of the National Labor Relations Act (29 U.S.C. 151 et seq.) and the Labor-Management Relations Act, 1947 (29 U.S.C. 141 et seq.)—

- (i) each theatrical employee shall be considered to be an "employee" within the meaning of section 2(3) of the National Labor Relations Act (29 U.S.C. 152(3)); and
- (ii) with respect to a theatrical employee, the Board shall be considered to be an "employer" within the meaning of section 2(2) of the National Labor Relations Act (29 U.S.C. 152(2)).

**(B) Rights and obligations**

With respect to each theatrical employee, the theatrical employee and the Board shall have all of the rights and obligations specified in such Acts.

**(g) Pedestrian and vehicular access**

Subject to approval of the Secretary of the Interior under section 76j(a)(2)(F) of this title, the Board shall develop plans and carry out projects to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(Pub. L. 85-874, § 5, Sept. 2, 1958, 72 Stat. 1699; Pub. L. 88-260, § 1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 103-279, § 4, July 21, 1994, 108 Stat. 1413; Pub. L. 105-95, § 3(b), Nov. 19, 1997, 111 Stat. 2149.)

REFERENCES IN TEXT

The John F. Kennedy Center Act Amendments of 1994, referred to in subsec. (c), is Pub. L. 103-279, July 21, 1994, 108 Stat. 1409, which enacted sections 76r and 76s of this title, amended this section, sections 76h, 76j, 76l, and 76p of this title, and sections 193r, 193u, and 193v of former Title 40, Public Buildings, Property, and Works, and enacted and amended provisions set out as notes under section 76h of this title. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 76h of this title and Tables.

The provisions relating to the Federal competitive service, referred to in subsec. (d)(2), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The National Labor Relations Act, referred to in subsec. (f)(2), is act July 5, 1935, ch. 372, 49 Stat. 449, as

amended, which is classified generally to subchapter II (§151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the Code, see section 167 of Title 29 and Tables.

The Labor Management Relations Act, 1947, referred to in subsec. (f)(2), is act June 23, 1947, ch. 120, 61 Stat. 136, as amended, which is classified principally to chapter 7 (§141 et seq.) of Title 29. For complete classification of this Act to the Code, see section 141 of Title 29 and Tables.

AMENDMENTS

1997—Subsec. (g). Pub. L. 105-95 added subsec. (g).

1994—Pub. L. 103-279, §4(a)(1), substituted section catchline for former section catchline.

Subsec. (a). Pub. L. 103-279, §4(a)(1), inserted heading and substituted "John F. Kennedy Center for the Performing Arts, as a bureau of the Smithsonian Institution," for "Smithsonian Institution".

Subsec. (b). Pub. L. 103-279, §4(b), inserted heading and amended text generally. Prior to amendment, text read as follows: "The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office."

Subsec. (c). Pub. L. 103-279, §4(c), added heading and text of subsec. (c) and struck out text of former subsec. (c). Prior to amendment, text read as follows: "The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law."

Subsecs. (d) to (f). Pub. L. 103-279, §4(c), added subsecs. (d) to (f).

1964—Subsecs. (a), (b). Pub. L. 88-260 substituted "John F. Kennedy Center for the Performing Arts" for "National Cultural Center" wherever appearing.

**§ 76I. Official seal, Board vacancies and quorum, trustee powers and obligations, reports, support services, and review and audit**

**(a) Adoption of seal; Board function notwithstanding vacancies; quorum**

The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this subchapter, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

**(b) Powers and obligations of Board in respect of trust funds**

The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

**(c) Annual report of operations and finances**

The Board shall submit to the Smithsonian Institution and to Congress an annual report of the operations of the Board under this subchapter, including a detailed statement of all public and private moneys received and disbursed by it.



**(d) Inspector General**

The functions of the Board funded by funds appropriated pursuant to section 76r of this title shall be subject to the requirements for a Federal entity under the Inspector General Act of 1978 (5 U.S.C. App.). The Inspector General of the Smithsonian Institution is authorized to carry out the requirements of such Act on behalf of the Board, on a reimbursable basis when requested by the Board.

**(e) Property and personnel compensation****(1) In general**

The Board may procure insurance against any loss in connection with the property of the Board and other assets administered by the Board. Each employee and volunteer of the Board shall be considered to be a civil employee of the United States (within the meaning of the term "employee" as defined in section 8101(1) of title 5), except that the Board shall continue to provide benefits with respect to any disability or death resulting from a personal injury to a nonappropriated fund employee of the Board sustained while in the performance of the duties of the employee for the Board pursuant to the workers compensation statute of the jurisdiction in which the John F. Kennedy Center for the Performing Arts is located. The disability or death benefits referred to in the preceding sentence, whether under the workers compensation statute referred to in the preceding sentence or under chapter 81 of title 5, shall continue to be the exclusive liability of the Board and the United States with respect to all employees and volunteers of the Board.

**(2) Federal tort claims**

For the purposes of chapter 171 of title 28, an employee of the Board shall be considered to be an "employee of the government" and the Board shall be considered to be a "Federal agency". No employee of the Board may bring suit against the United States or the Board under the Federal tort claims procedure of chapter 171 of title 28 for disability or death resulting from personal injury sustained while in the performance of the duties of the employee for the Board.

(Pub. L. 85-874, §6, Sept. 2, 1958, 72 Stat. 1699; Pub. L. 88-100, §3, Aug. 19, 1963, 77 Stat. 128; Pub. L. 88-260, §1(4), (5), Jan. 23, 1964, 78 Stat. 4; Pub. L. 92-313, §10, June 16, 1972, 86 Stat. 222; Pub. L. 93-67, July 10, 1973, 87 Stat. 161; Pub. L. 94-119, §§1, 2, Oct. 21, 1975, 89 Stat. 608; Pub. L. 94-578, title III, §314, Oct. 21, 1976, 90 Stat. 2737; Pub. L. 95-50, §2, June 20, 1977, 91 Stat. 232; Pub. L. 95-305, June 29, 1978, 92 Stat. 348; Pub. L. 96-587, §1, Dec. 23, 1980, 94 Stat. 3387; Pub. L. 97-73, Nov. 3, 1981, 95 Stat. 1064; Pub. L. 97-202, June 24, 1982, 96 Stat. 128; Pub. L. 101-449, §§1-3, Oct. 22, 1990, 104 Stat. 1050; Pub. L. 102-500, §1, Oct. 24, 1992, 106 Stat. 3267; Pub. L. 103-279, §5, July 21, 1994, 108 Stat. 1414; Pub. L. 105-226, §4, Aug. 12, 1998, 112 Stat. 1513.)

**REFERENCES IN TEXT**

The Inspector General Act of 1978, referred to in subsec. (d), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

**AMENDMENTS**

1998—Subsecs. (d) to (f). Pub. L. 105-226 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out heading and text of former subsec. (d). Text read as follows: "Not less than once every 3 years, the Comptroller General shall review and audit the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of examining expenditures of funds appropriated under the authority provided by this subchapter."

1994—Subsec. (c). Pub. L. 103-279, §5(1), substituted "the operations of the Board" for "its operations".

Subsecs. (d) to (f). Pub. L. 103-279, §5(2), added subsecs. (d) to (f) and struck out former subsec. (e) which related to maintenance, repair, alteration, security, information, and other services and former subsec. (f) which related to audits.

1992—Subsec. (e)(3). Pub. L. 102-500 amended par. (3) generally. Prior to amendment, par. (3) read as follows: "There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

"(A) for fiscal year 1991, not more than—

"(i) \$6,750,000 for annual maintenance, repairs, alterations, and operating services; and

"(ii) \$15,000,000 for deferred maintenance, repairs, and alterations; and

"(B) for fiscal year 1992, not more than—

"(i) \$9,850,000 for annual maintenance, repairs, alterations, and operating services; and

"(ii) \$15,512,000 for deferred maintenance, repairs, and alterations."

1990—Subsec. (d). Pub. L. 101-449, §3, struck out subsec. (d) which read as follows: "The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 76j of this title, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial."

Subsec. (e). Pub. L. 101-449, §1, amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is authorized to be appropriated to carry out this subsection not to exceed \$2,800,000 for the fiscal year ending June 30, 1976, \$741,000 for the transition period ending September 30, 1976, \$3,100,000 for the fiscal year ending September 30, 1977, and \$4,000,000 for the fiscal year ending September 30, 1978. There is authorized to be appropriated to carry out this subsection not to exceed \$4,200,000 for the fiscal year ending September 30, 1979. There is authorized to be appropriated to carry out this subsection not to exceed \$4,287,000 for the fiscal year ending September 30, 1980, and not to exceed \$4,400,000 for the fiscal year ending September 30, 1981, and not to exceed \$4,544,000 for the fiscal year ending September 30, 1982, and not to exceed \$4,247,000 for the fiscal year ending September 30, 1983."

Subsec. (f). Pub. L. 101-449, §2, amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "The General Accounting Office is authorized and directed to review and audit, regularly, the accounts of the Kennedy Center for the Performing Arts, for the purpose of determining the continuing ability of the Center to pay its share of future operating costs, and for the purpose of assuring that the cost-of-living formula fairly and accurately reflects the use of the building."

1982—Subsec. (e). Pub. L. 97-202 inserted provisions authorizing an appropriation of not to exceed \$4,247,000 for fiscal year ending Sept. 30, 1983.

1981—Subsec. (e). Pub. L. 97-73 inserted provision authorizing an appropriation of not to exceed \$4,544,000 for fiscal year ending Sept. 30, 1982.

1980—Subsec. (e). Pub. L. 96-587 inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1980, and Sept. 30, 1981.

1978—Subsec. (e). Pub. L. 95-305 inserted provisions authorizing appropriations for fiscal year ending Sept. 30, 1979.

1977—Subsec. (e). Pub. L. 95-50 substituted provisions authorizing an appropriation of \$4,000,000 for fiscal year ending Sept. 30, 1978, for provisions authorizing appropriations of \$4,000,000 for fiscal year ending Sept. 30, 1978, and not to exceed \$4,300,000 for the fiscal year ending Sept. 30, 1979.

1976—Subsec. (e). Pub. L. 94-578 substituted provisions authorizing appropriations for fiscal years ending Sept. 30, 1978, and Sept. 30, 1979, for provisions covering fiscal years ending Sept. 30, 1976, Sept. 30, 1977, and transitional period ending Sept. 30, 1976.

1975—Subsec. (e). Pub. L. 94-119, §1, inserted provisions authorizing appropriations for fiscal year ending June 30, 1976, for the transitional period ending Sept. 30, 1976, and for fiscal year ending Sept. 30, 1977.

Subsec. (f). Pub. L. 94-119, §2, added subsec. (f).

1973—Subsec. (e). Pub. L. 93-67 substituted provisions authorizing appropriations not to exceed \$2,400,000 for fiscal year ending June 30, 1974, and \$2,500,000 for fiscal year ending June 30, 1975, for provision granting general authorization of appropriation for fiscal year ending June 30, 1973.

1972—Subsec. (e). Pub. L. 92-313 added subsec. (e).

1964—Subsec. (c). Pub. L. 88-260, §1(4), inserted “and to Congress” after “Smithsonian Institution”.

Subsec. (d). Pub. L. 88-260, §1(5), added subsec. (d).

1963—Subsec. (a). Pub. L. 88-100 substituted “twelve” for “eight” after “vacancies and”.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (c) of this section relating to submitting annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 192 of House Document No. 103-7.

#### AWARD OF SERVICE CONTRACTS

Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1782, provided: “That contracts hereafter awarded for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.”

### §§ 76m, 76n. Repealed. Pub. L. 101-449, §3, Oct. 22, 1990, 104 Stat. 1050

Section 76m, Pub. L. 85-874, §7, Sept. 2, 1958, 72 Stat. 1700; Pub. L. 86-297, Sept. 21, 1959, 73 Stat. 573; Pub. L. 88-100, §4, Aug. 19, 1963, 77 Stat. 128; Pub. L. 88-260, §1(2), Jan. 23, 1964, 78 Stat. 4; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, related to termination of offices created and appointments made in connection with John F. Kennedy Center for the Performing Arts if moneys were not found to construct the Center within eight years after Sept. 2, 1958.

Section 76n, Pub. L. 85-874, §8, as added Pub. L. 88-260, §1(6), Jan. 23, 1964, 78 Stat. 4; amended Pub. L. 91-90, §1(a), Oct. 17, 1969, 83 Stat. 135; Pub. L. 92-313, §9, June 16, 1972, 86 Stat. 222; Pub. L. 95-50, §1, June 20, 1977, 91 Stat. 232, authorized appropriations for construction, repair, renovation, and reconstruction of John F. Kennedy Center for the Performing Arts.

### § 76o. Borrowing authority to finance parking facilities

#### (a) Revenue bonds

To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than \$20,400,000. Such obligations shall have ma-

turities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31 and the purposes for which securities may be issued under chapter 31 of title 31 are extended to include any purchases of the Board's obligations under this section.

#### (b) Interest

Effective as of October 12, 1984, the obligations of the Board incurred under subsection (a) of this section shall bear no interest, and the requirement of the Board to pay the unpaid interest which has accrued on such obligations is terminated.

#### (c) Kennedy Center Revenue Bond Sinking Fund

There is hereby established in the Treasury of the United States a sinking fund, the Kennedy Center Revenue Bond Sinking Fund (hereinafter referred to as the “Fund”), which shall be used to retire the obligations of the Board incurred under subsection (a) of this section upon the respective maturities of such obligations. The Board shall pay into the Fund, beginning on January 1, 1987 and ending on January 1, 2016, the annual sum of \$200,000 in amortization of the principal amount of the obligations. Such sums shall be invested by the Secretary of the Treasury in public debt securities with maturities suitable for the needs of the Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The interest on such investments shall be credited to and form a part of the Fund. Moneys in the Fund shall be used exclusively to retire the obligations of the Board incurred under subsection (a) of this section. Adjustments of not greater than plus or minus 5 per centum may be made from time to time in the annual payments to the Fund in order to correct any gains or deficiencies as a result of fluctuations in interest rates over the life of the investments: *Provided, however*, That a final adjustment shall be made between the Board and the Secretary of the Treasury at the end of the amortization period to correct any overall gain or deficiency in the Fund. The terms of this adjustment shall be covered by a memorandum of understanding between the Board and the Secretary of the Treasury to be consummated on or before the time the initial payment into the Fund is made.

(Pub. L. 85-874, §9, as added Pub. L. 88-260, §1(6), Jan. 23, 1964, 78 Stat. 5; amended Pub. L. 91-90, §1(b), Oct. 17, 1969, 83 Stat. 135; Pub. L. 98-473, title I, §101(c), Oct. 12, 1984, 98 Stat. 1837, 1876; Pub. L. 101-449, §4, Oct. 22, 1990, 104 Stat. 1051.)

## AMENDMENTS

1990—Subsec. (a), Pub. L. 101-449 substituted “chapter 31 of title 31” for “the Second Liberty Bond Act, as amended,” in two places.

1984—Pub. L. 98-473 designated existing provisions as subsec. (a), struck out provisions relating to interest on bonds, and added subses. (b) and (c).

1969—Pub. L. 91-90 substituted “\$20,400,000” for “\$15,400,000” in two places.

**§ 76p. Acceptance and disposition of gifts to the United States contributed in honor or memory of the late President John F. Kennedy**

The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which the Secretary finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this subchapter, as in the judgment of the Secretary will best effectuate the intent of the donor.

(Pub. L. 85-874, §10, as added Pub. L. 88-260, §1(6), Jan. 23, 1964, 78 Stat. 5; amended Pub. L. 103-279, §6, July 21, 1994, 108 Stat. 1415.)

## AMENDMENTS

1994—Pub. L. 103-279 substituted “which the Secretary finds” for “which he finds” and “the judgment of the Secretary” for “his judgment”.

**§ 76q. Sole national memorial to the late John F. Kennedy within the city of Washington and environs**

The John F. Kennedy Center for the Performing Arts, designated by this subchapter, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

(Pub. L. 85-874, §11, as added Pub. L. 88-260, §1(6), Jan. 23, 1964, 78 Stat. 5.)

**§ 76q-1. John F. Kennedy Center Plaza**

**(a) Definitions**

In this section, the following definitions apply:

**(1) Air rights**

The term “air rights” means real property interests conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

**(2) Center**

The term “Center” means the John F. Kennedy Center for the Performing Arts.

**(3) Green spaces**

The term “green spaces” means areas within the boundaries of the Project or affected by the Project that are covered by grass, trees, or other vegetation.

**(4) Plaza**

The term “Plaza” means improvements to the area surrounding the John F. Kennedy Center building carried out under the Project and comprised of transportation elements (including roadways, sidewalks, and bicycle

lanes) and non-transportation elements (including landscaping, green space, open public space, water, sewer, and utility connections).

**(5) Project**

The term “Project” means the Plaza project, as described in the TEA-21 report, providing for construction of a Plaza adjacent to the Center and for improved bicycle, pedestrian, and vehicular access to and around the Center. The term includes planning, design, engineering, and construction of the Plaza, buildings to be constructed on the Plaza, and related transportation improvements and may include any other elements of the Project identified in the TEA-21 report.

**(6) Secretary**

The term “Secretary” means the Secretary of Transportation.

**(7) TEA-21 report**

The term “TEA-21 report” means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

**(b) Responsibilities of the Secretary**

**(1) In general**

The Secretary shall be responsible for the Project and may undertake such activities as may be necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA-21 report.

**(2) Planning, design, engineering, and construction**

The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

**(3) Agreements with the Board and other agencies**

The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

**(4) Consultation with the Board**

The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

**(5) Contracts**

Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center related to the planning, design, engineering, and construction of the Project.

**(6) Project Team**

**(A) Establishment**

To further construction of the Project, the Secretary shall establish a Project Team.

**(B) Membership**

The Project Team shall be composed of the following members:

- (i) The Secretary (or the Secretary’s designee).

(ii) The Administrator of General Services (or the Administrator's designee).

(iii) The Chairman of the Board (or the Chairman's designee).

(iv) Such other individuals as the Project Team considers appropriate.

**(C) Project Director**

The Project Team shall have a Project Director who shall be appointed by the Secretary, in consultation with the Administrator of General Services and the Chairman of the Board. The Project Director shall report directly to the Project Team.

**(c) Responsibilities of the Board**

**(1) In general**

The Board, in consultation with the Project Team, may undertake such activities as may be necessary to construct buildings on the Plaza for the Project.

**(2) Receipt of transfers of air rights**

The Board may receive from the District of Columbia such transfers of air rights as may be necessary for the planning, design, engineering, and construction of the Project.

**(3) Construction of buildings**

The Board, in consultation with the Project Team, may construct, with non-appropriated funds, buildings on the Plaza for the Project and shall be responsible for the planning, design, engineering, and construction of the buildings.

**(4) Acknowledgment of contributions**

**(A) In general**

The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

**(B) Applicability of other requirements**

Any acknowledgment of private contributions under this paragraph shall be consistent with the requirements of section 76j(b) of this title.

**(5) Approval by Project Team**

Notwithstanding section 76k(e) of this title, any decision by the Board that will significantly affect, as determined by the Project Team in consultation with the Board, the scope, cost, schedule, or engineering feasibility of any element of the Project, other than buildings to be constructed on the Plaza, shall be subject to the approval of the Project Team.

**(d) Responsibilities of the District of Columbia**

**(1) Modification of highway system**

Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority to amend or modify the permanent system of highways of the District of Columbia as may be necessary to meet the requirements and needs of the Project.

**(2) Conveyances**

**(A) Authority**

Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority to convey or dispose of any interests in real estate (including air rights or air space as that term is defined by District of Columbia law) owned or controlled by the District of Columbia, as may be necessary to meet the requirements and needs of the Project.

**(B) Conveyance to the Board**

Not later than 90 days following the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board without compensation interests in real estate described in subparagraph (A).

**(3) Agreements with the Board**

The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

**(e) Ownership**

**(1) Roadways and sidewalks**

Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

**(2) Maintenance of green spaces**

Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

**(3) Buildings and green spaces on the Plaza**

Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

**(f) National highway boundaries**

**(1) Realignment of boundaries**

The Secretary may realign national highways related to proposed changes to the Northern and Southern Interchanges and the E Street Approach recommended in the TEA-21 report in order to facilitate the flow of traffic in the vicinity of the Center.

**(2) Access to Center from I-66**

The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including its garages.

**(g) GAO review**

Until completion of the Project, the Comptroller General shall review the management and oversight of construction of the Project by the Board and report periodically on the results of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(Pub. L. 85-874, §12, as added Pub. L. 107-224, §2(2), Sept. 18, 2002, 116 Stat. 1340; amended Pub. L. 108-410, §3, Oct. 30, 2004, 118 Stat. 2303.)

#### REFERENCES IN TEXT

Section 1214 of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(7), is section 1214 of Pub. L. 105-178, which enacted provisions set out as notes under sections 50 and 76j of this title, section 460m-29a of Title 16, Conservation, and section 202 of Title 23, Highways, and enacted provisions listed in a table of National Wildlife Refuges set out under section 668dd of Title 16.

#### PRIOR PROVISIONS

A prior section 12 of Pub. L. 85-874 was renumbered section 13 and is classified to section 76r of this title.

#### AMENDMENTS

2004—Subsec. (b)(6). Pub. L. 108-410, §3(a), added par. (6).

Subsec. (c)(1), (3). Pub. L. 108-410, §3(b)(1), (2), inserted “, in consultation with the Project Team,” after “The Board”.

Subsec. (c)(5). Pub. L. 108-410, §3(b)(3), added par. (5).

Subsec. (g). Pub. L. 108-410, §3(c), added subsec. (g).

### § 76r. Authorization of appropriations

#### (a) Maintenance, repair, and security

There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

(1) \$17,000,000 for fiscal year 2004; and

(2) \$18,000,000 for each of fiscal years 2005, 2006, and 2007.

#### (b) Capital projects

There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

(1) \$16,000,000 for fiscal year 2004; and

(2) \$18,000,000 for each of fiscal years 2005, 2006, and 2007.

#### (c) John F. Kennedy Center Plaza

There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 76q-1 of this title (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) a total of \$400,000,000 for fiscal years 2003 through 2010. Such sums shall remain available until expended.

#### (d) Limitation on use of funds

No funds appropriated pursuant to this section may be used for any direct expense incurred in the production of a performing arts attraction, for personnel who are involved in performing arts administration (including any supply or equipment used by the personnel), or for production, staging, public relations, marketing, fund-raising, ticket sales, or education. Funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for any performing arts function and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repair.

(Pub. L. 85-874, §13, formerly §12, as added Pub. L. 103-279, §7, July 21, 1994, 108 Stat. 1415; amended Pub. L. 105-226, §5, Aug. 12, 1998, 112 Stat. 1513; renumbered §13 and amended Pub. L. 107-224, §§2(1), 3, Sept. 18, 2002, 116 Stat. 1340, 1342; Pub. L. 108-410, §2, Oct. 30, 2004, 118 Stat. 2303.)

#### PRIOR PROVISIONS

A prior section 13 of Pub. L. 85-874 was renumbered section 14 and is classified to section 76s of this title.

#### AMENDMENTS

2004—Subsecs. (a), (b). Pub. L. 108-410 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title—

“(1) \$13,000,000 for fiscal year 1999;

“(2) \$14,000,000 for each of fiscal years 2000 and 2001; and

“(3) \$15,000,000 for each of fiscal years 2002 and 2003.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title—

“(1) \$20,000,000 for each of fiscal years 1999, 2000, and 2001;

“(2) \$19,000,000 for fiscal year 2002; and

“(3) \$17,000,000 for fiscal year 2003.”

2002—Subsecs. (c), (d). Pub. L. 107-224, §3, added subsec. (c) and redesignated former subsec. (c) as (d).

1998—Subsecs. (a), (b). Pub. L. 105-226 added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 76j(a)(1)(H) of this title \$12,000,000 for each of fiscal years 1995 through 1999.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 76j(a)(1) of this title \$9,000,000 for each of fiscal years 1995 through 1999.”

### § 76s. Definitions

As used in this subchapter, the terms “building and site of the John F. Kennedy Center for the Performing Arts” and “grounds of the John F. Kennedy Center for the Performing Arts” refer to the site in the District of Columbia on which the John F. Kennedy Center building is constructed and that extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563, and dated April 20, 1994 (as amended by the map entitled “Transfer of John F. Kennedy Center for the Performing Arts”, numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior. Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 76q-1 of this title, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on

file and available for public inspection under the preceding sentence.

(Pub. L. 85–874, § 14, formerly § 13, as added Pub. L. 103–279, § 8, July 21, 1994, 108 Stat. 1416; amended Pub. L. 105–95, § 4, Nov. 19, 1997, 111 Stat. 2149; renumbered § 14 and amended Pub. L. 107–224, §§ 2(1), 4(b), Sept. 18, 2002, 116 Stat. 1340, 1343.)

#### AMENDMENTS

2002—Pub. L. 107–224, § 4(b), inserted at end: “Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 76q–1 of this title, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.”

1997—Pub. L. 105–95 inserted “(as amended by the map entitled ‘Transfer of John F. Kennedy Center for the Performing Arts’, numbered 844/82563A and dated May 22, 1997)” after “April 20, 1994”.

### SUBCHAPTER VI—JOSEPH H. HIRSHHORN MUSEUM AND SCULPTURE GARDEN

#### § 76aa. Site for museum and sculpture garden

##### (a) Appropriation and availability

The area bounded by Seventh Street, Independence Avenue, Ninth Street, and Jefferson Drive, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as the permanent site of a museum and the area bounded by Seventh Street, Jefferson Drive, Ninth Street, and Madison Drive, in the District of Columbia is hereby made available to the Smithsonian Institution as the permanent site of a sculpture garden, both areas to be used for the exhibition of works of art.

##### (b) Powers and duties of Board of Regents

The Board of Regents of the Smithsonian Institution is authorized to remove any existing structure, to prepare architectural and engineering designs, plans, and specifications, and to construct a suitable museum within said area lying south of Jefferson Drive and to provide a sculpture garden for the use of the Smithsonian Institution within the areas designated in subsection (a) of this section.

(Pub. L. 89–788, § 1, Nov. 7, 1966, 80 Stat. 1403.)

#### § 76bb. Joseph H. Hirshhorn Museum and Sculpture Garden

##### (a) Designation; administration by Board of Regents; cooperation of Board with Secretary of the Interior

The museum and sculpture garden provided for by this subchapter shall be designated and known in perpetuity as the Joseph H. Hirshhorn Museum and Sculpture Garden, and shall be a free public museum and sculpture garden under the administration of the Board of Regents of the Smithsonian Institution. In administering the sculpture garden the Board shall cooperate with the Secretary of<sup>1</sup> Interior so that the development and use of the Garden is consistent with the open-space concept of the Mall, for which the Secretary of<sup>1</sup> Interior is responsible,

<sup>1</sup> So in original. Probably should be followed by “the”.

and with related development regarding underground garages and street development.

##### (b) Federal funds

The faith of the United States is pledged that the United States shall provide such funds as may be necessary for the upkeep, operation, and administration of the Joseph H. Hirshhorn Museum and Sculpture Garden.

##### (c) Uses

The Joseph H. Hirshhorn Museum and Sculpture Garden shall be the permanent home of the collections of art of Joseph H. Hirshhorn and the Joseph H. Hirshhorn Foundation, and shall be used for the storage, exhibition, and study of works of art, and for the administration of the affairs of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(Pub. L. 89–788, § 2, Nov. 7, 1966, 80 Stat. 1403.)

#### § 76cc. Board of Trustees

##### (a) Establishment; powers and duties

There is established in the Smithsonian Institution a Board of Trustees to be known as the Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden, which shall provide advice and assistance to the Board of Regents of the Smithsonian Institution on all matters relating to the administration, operation, maintenance, and preservation of the Joseph H. Hirshhorn Museum and Sculpture Garden; and which shall have the sole authority (i) to purchase or otherwise acquire (whether by gift, exchange, or other means) works of art for the Joseph H. Hirshhorn Museum and Sculpture Garden, (ii) to loan, exchange, sell, or otherwise dispose of said works of art, and (iii) to determine policy as to the method of display of the works of art contained in said museum and sculpture garden.

##### (b) Membership; appointment; terms of office; vacancies

The Board of Trustees shall be composed of the Chief Justice of the United States and the Secretary of the Smithsonian Institution, who shall serve as ex officio members, and eight general members to be appointed as follows: Four of the general members first taking office shall be appointed by the President of the United States from among nominations submitted by Joseph H. Hirshhorn and four shall be appointed by the President from among nominations submitted by the Board of Regents of the Smithsonian Institution. The general members so appointed by the President shall have terms expiring one each on July 1, 1968, 1969, 1970, 1971, 1972, 1973, 1974, and 1975, as designated by the President. Successor general members (who may be elected from among members whose terms have expired) shall serve for a term of six years, except that a successor chosen to fill a vacancy occurring prior to the expiration of the term of office of his predecessor shall be chosen only for the remainder of such term. Vacancies occurring among general members of the Board of Trustees of the Joseph H. Hirshhorn Museum and Sculpture Garden shall be filled by a vote of not less than four-fifths of the then acting members of the Board of Trustees.

(Pub. L. 89-788, §3, Nov. 7, 1966, 80 Stat. 1404.)

**§ 76dd. Director, administrator, curators, and other personnel; appointment, compensation, and duties**

The Board of Regents of the Smithsonian Institution may appoint and fix the compensation and duties of a director and, subject to his supervision, an administrator and two curators of the Joseph H. Hirshhorn Museum and Sculpture Garden, none of whose appointment, compensation, or duties shall be subject to the civil service laws or chapter 51 and subchapter III of chapter 53 of title 5. The Board of Regents may employ such other officers and employees as may be necessary for the efficient administration, operation, and maintenance of the Joseph H. Hirshhorn Museum and Sculpture Garden.

(Pub. L. 89-788, §4, Nov. 7, 1966, 80 Stat. 1404.)

REFERENCES IN TEXT

The civil service laws, referred to in text, are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

“Chapter 51 and subchapter III of chapter 53 of title 5” substituted in text for “the Classification Act of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

**§ 76ee. Authorization of appropriations**

There is authorized to be appropriated not to exceed \$15,000,000 for the planning and construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, and such additional sums as may be necessary for the maintenance and operation of such museum and sculpture garden.

(Pub. L. 89-788, §5, Nov. 7, 1966, 80 Stat. 1404.)

SUBCHAPTER VII—NATIONAL AIR AND SPACE MUSEUM

**§ 77. National Air and Space Museum**

**(a) Establishment; board; administration; reimbursement of expenses**

There is hereby established under the Smithsonian Institution a bureau to be known as a National Air and Space Museum, which shall be administered by the Smithsonian Institution with the advice of a board to be composed of the Chief of Staff of the Air Force, or his designee, the Chief of Naval Operations, or his designee, the Chief of Staff of the Army, or his designee, the Commandant of the Marine Corps, or his designee, the Commandant of the Coast Guard, or his designee, the Administrator of the National Aeronautics and Space Administration, or his designee, the Administrator of the Federal Aviation Administration, or his designee, the Secretary of the Smithsonian Institution, and three citizens of the United States appointed by the President from civilian life who shall serve at the pleasure of the President. The members of the board shall serve as such members without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the per-

formance of their duties as members of the board.

**(b) Appointment and compensation of head of museum**

The Secretary of the Smithsonian Institution, with the advice of the board, may appoint and fix the compensation and duties of the head of a national air and space museum whose appointment shall not be subject to the civil service laws.

(Aug. 12, 1946, ch. 955, §1, 60 Stat. 997; July 26, 1947, ch. 343, title II, §208(b), 61 Stat. 503; Pub. L. 89-509, pt. I, §§2, 3, July 19, 1966, 80 Stat. 310; Pub. L. 89-670, §§3(e), 6(c)(1), Oct. 15, 1966, 80 Stat. 932, 938.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (b), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-509, §2, changed the name of the museum from the National Air Museum to the National Air and Space Museum, expanded the advisory board to include additional members including the Chief of Staff of the Army, the Commandant of the Marine Corps, the Commandant of the Coast Guard, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Federal Aviation Agency, and an additional member appointed from civilian life to serve at the pleasure of the President, and provided for reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Board.

Subsec. (b). Pub. L. 89-509, §3, substituted “national air and space museum” for “national air museum” and struck out provision that the salary of the head of the museum shall not be subject to the Classification Act of 1923, as amended.

SHORT TITLE OF 1966 AMENDMENT

Section 1 of Pub. L. 89-509 provided: “That this Act [amending this section, sections 77a, 77c, and 77d of this title, and provisions set out as notes under this section and sections 77b and 77d of this title, and repealing section 77b of this title] may be cited as ‘the National Air Museum Amendments Act of 1965’.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

“Chief of Staff of the Air Force” substituted in subsec. (a) for “Commanding General of the Army Air Forces” pursuant to act July 26, 1947, ch. 343, title II, §208(b), 61 Stat. 503, which transferred functions of Commanding General of the Army Air Forces to Chief of Staff, United States Air Force. Section 208(b) of act July 26, 1947 was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. See sections 8031 and 8034 of Title 10, Armed Forces.

“Federal Aviation Administration” substituted in subsec. (a) for “Federal Aviation Agency” pursuant to Pub. L. 89-670, §§3(e), 6(c)(1), Oct. 15, 1966, 80 Stat. 932, 938, which transferred all functions, powers, and duties of Federal Aviation Agency and of Administrator and other offices and officers thereof to Secretary of Transportation and established a Federal Aviation Adminis-

tration in Department of Transportation. See section 106 of Title 49, Transportation.

#### APPROPRIATIONS

Section 6 of act Aug. 12, 1946, as amended by section 10 of Pub. L. 89-509, provided that: "There is hereby authorized to be appropriated the sum of \$50,000 for the purposes of this Act [this subchapter] and there are hereby authorized to be appropriated annually hereafter such sums as may be necessary to maintain and administer said national air and space museum including salaries and all other necessary expenses."

#### CONSTRUCTION OF MUSEUM CENTER

Pub. L. 104-222, Oct. 1, 1996, 110 Stat. 3025, provided that:

#### "SECTION 1. CONSTRUCTION OF MUSEUM CENTER.

"The Board of Regents of the Smithsonian Institution is authorized to construct the Smithsonian Institution National Air and Space Museum Dulles Center at Washington Dulles International Airport.

#### "SEC. 2. LIMITATION ON USE OF FUNDS.

"No appropriated funds may be used to pay any expense of the construction authorized by section 1."

#### EXTENSION AT WASHINGTON DULLES INTERNATIONAL AIRPORT

Pub. L. 103-57, Aug. 2, 1993, 107 Stat. 279, provided that:

#### "SECTION 1. PLAN FOR NATIONAL AIR AND SPACE MUSEUM EXTENSION.

"The Board of Regents of the Smithsonian Institution shall have authority to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

#### "SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for fiscal years beginning after September 30, 1993, a total of \$8,000,000 to carry out this Act."

#### RATIFICATION OF COMPENSATION PAID HEAD OF MUSEUM

Section 11 of Pub. L. 89-509 provided that: "Payments of compensation heretofore made to the head of the National Air Museum at rates fixed by the Secretary of the Smithsonian Institution without regard to the Classification Act of 1949, as amended [chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees] are hereby ratified and affirmed."

### § 77a. Functions of museum

The national air and space museum shall memorialize the national development of aviation and space flight; collect, preserve, and display aeronautical and space flight equipment of historical interest and significance; serve as a repository for scientific equipment and data pertaining to the development of aviation and space flight; and provide educational material for the historical study of aviation and space flight.

(Aug. 12, 1946, ch. 955, § 2, 60 Stat. 998; Pub. L. 89-509, pt. I, § 4, July 19, 1966, 80 Stat. 310.)

#### AMENDMENTS

1966—Pub. L. 89-509 substituted "national air and space museum" for "national air museum", inserted "and space flight" after "aviation" wherever appearing, and substituted "aeronautical and space flight equipment" for "aeronautical equipment".

### § 77b. Repealed. Pub. L. 89-509, pt. I, § 5, July 19, 1966, 80 Stat. 310

Section, act Aug. 12, 1946, ch. 955, § 3, 60 Stat. 998, directed Secretary of Smithsonian Institution to inves-

tigate and survey suitable lands and buildings for selection as a site for national air museum and to make recommendations to Congress.

#### CONSTRUCTION PLANS; LOCATION; DESIGN; SUPERVISION OF DRAWINGS AND SPECIFICATIONS; CONSTRUCTION; AUTHORIZATION AND TRANSFER OF APPROPRIATIONS

Pub. L. 85-935, Sept. 6, 1958, 72 Stat. 1794, as amended by Pub. L. 89-509, §§ 12, 13, July 19, 1966, 80 Stat. 311, 312, authorized and directed Regents of Smithsonian Institution to prepare plans and to construct a building for a National Air and Space Museum at a certain site with exact location to be approved by National Capital Planning Commission and design to be approved by Commission of Fine Arts and with supervision of work to be by Administrator of General Services Administration and also appropriated such sums as were necessary to carry out the work.

### § 77c. Museum board

#### (a) Seal; regulations; vacancies

The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions. The board may function notwithstanding vacancies and six members of the board shall constitute a quorum for the transaction of business.

#### (b) Annual report

The Smithsonian Institution shall include in its annual report of its operations to Congress a statement of the operations of said national air and space museum, including all public and private moneys received and disbursed.

(Aug. 12, 1946, ch. 955, § 4, 60 Stat. 998; Pub. L. 89-509, pt. I, §§ 6, 7, July 19, 1966, 80 Stat. 310, 311.)

#### AMENDMENTS

1966—Subsec. (a). Pub. L. 89-509, § 6, raised from three to six the number of board members required to constitute a quorum.

Subsec. (b). Pub. L. 89-509, § 7, substituted "national air and space museum" for "national air museum".

### § 77d. Transfer or loan of aeronautical or space flight equipment to museum

The heads of executive departments and independent agencies of the Government are authorized to transfer or loan to said national air and space museum without charge therefor, aircraft, spacecraft, aircraft and spacecraft parts, instruments, engines, or other aeronautical and space flight equipment or records for exhibition, historical, or educational purposes.

(Aug. 12, 1946, ch. 955, § 5(a), 60 Stat. 998; Pub. L. 89-509, pt. I, § 8, July 19, 1966, 80 Stat. 311.)

#### CODIFICATION

Section consists of subsec. (a) of section 5 of act Aug. 12, 1946. Subsec. (b) of said section is set out as a note below.

#### AMENDMENTS

1966—Pub. L. 89-509 inserted "and independent agencies" after "departments", "and space" after "national air", "spacecraft," after "aircraft," "and spacecraft" after "aircraft" in phrase "aircraft parts", and "and space flight" after "aeronautical".

#### ACCEPTANCE OF STATUE OF GENERAL MITCHELL

Section 5(b) of act Aug. 12, 1946, as amended by section 9 of Pub. L. 89-509, provided that: "The Secretary



of the Smithsonian Institution, with the advice of the Commission of Fine Arts, is authorized (1) to accept as a gift to the Smithsonian Institution from George H. Stephenson, of Philadelphia, Pennsylvania, a statue of Brigadier General William L. Mitchell of such character as may be deemed appropriate, and (2) without expense to the United States, to cause such statue to be erected at a suitable location on the grounds of the national air and space museum."

#### SUBCHAPTER VIII—PALEONTOLOGICAL INVESTIGATIONS

##### § 78. Cooperation of Smithsonian Institution with State institutions for continuing paleontological investigations

The Secretary of the Smithsonian Institution is authorized to cooperate with any State, educational institution, or scientific organization in the United States for continuing paleontological investigations, and the excavation and preservation of fossil remains, in areas which will be flooded by the construction of Government dams or otherwise be made unavailable for such investigations because of such construction: *Provided*, That such investigations and activities shall not duplicate nor affect adversely similar operations being conducted by the Department of Interior in cooperation with the Smithsonian Institution.

(Aug. 15, 1949, ch. 427, § 1, 63 Stat. 606.)

##### § 78a. Authorization of appropriations; availability of funds; limit on use of funds during fiscal year; supervision; rules and regulations

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$65,000, which shall be available until expended for the above purposes: *Provided*, That at such time as the Smithsonian Institution is satisfied that any State agency, or any educational institution or scientific organization in any of the United States, is prepared to contribute to such investigation and when in its judgment such investigation shall appear meritorious, the Secretary of the Smithsonian Institution may make available for such investigation such amounts from this sum as shall be equal to the amounts contributed respectively by each such State agency, or educational institution or scientific organization: *Provided further*, That the amount to be made available from this sum for such investigation in cooperation with each such State agency, or educational institution or scientific organization, shall not exceed \$10,000 in any fiscal year: *Provided further*, That all such cooperative work and division of the result thereof shall be under the direction of the Secretary of the Smithsonian Institution: *Provided further*, That where lands are involved which are controlled by the Government of the United States, cooperative work thereon shall be under the provisions of the Act of June 8, 1906 (16 U.S.C. 432, 433), and rules and regulations pertaining thereto.

(Aug. 15, 1949, ch. 427, § 2, 63 Stat. 606.)

#### SUBCHAPTER IX—CANAL ZONE BIOLOGICAL AREA

##### § 79. Barro Colorado Island in Gatun Lake to be set aside

The President is authorized and directed to set aside within the Canal Zone an area in Gatun Lake known as Barro Colorado Island in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

(July 2, 1940, ch. 516, § 1, 54 Stat. 724.)

#### REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

#### CODIFICATION

Section was formerly classified to section 1381 of Title 48, Territories and Insular Possessions.

#### TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

##### § 79a. Preservation of natural features for scientific observation and investigation

The purpose of setting aside such an area is to preserve and conserve its natural features, including existing flora and fauna, in as nearly a natural condition as possible, thus providing a place where duly qualified students can make observations and scientific investigations for increase of knowledge, under such conditions and regulations as may be prescribed by the Smithsonian Institution.

(July 2, 1940, ch. 516, § 2, 54 Stat. 724; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101.)

#### CODIFICATION

Section was formerly classified to section 1382 of Title 48, Territories and Insular Possessions.

#### TRANSFER OF FUNCTIONS

"Smithsonian Institution" substituted in text for "Board of Directors of the Canal Zone Biological Area" by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

##### § 79b. Functions of Smithsonian Institution

The Smithsonian Institution shall (a) determine the policy, prescribe conditions under which studies may be pursued within the area, and promulgate regulations for carrying out the purposes of this subchapter; (b) be responsible for the construction and maintenance of laboratory and other facilities on the area provided for the use of students authorized to carry on studies within the confines of the area; (c) deposit into the Treasury of the United States sums donated or subscribed or collected to be expended for carrying out the purposes of this subchapter; (d) in its discretion, fixed<sup>1</sup> charges that may be

<sup>1</sup> So in original. Probably should be "fix".

made for use of laboratory or other facilities provided students authorized to make observations and investigations within the prescribed area and provide for the collection of such sums for deposit into the Treasury of the United States; (e) make such disposal of any moneys donated, subscribed, collected, or otherwise provided as in its judgment is to the best interest in carrying out the purpose of this subchapter: *Provided*, That sums contributed or appropriated for specific purposes shall be used for such purpose only; and (f) include in its annual report of its operations to Congress a statement of activities and operations during the preceding year.

(July 2, 1940, ch. 516, § 4, 54 Stat. 724; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101; Pub. L. 89-280, § 2, Oct. 20, 1965, 79 Stat. 1012.)

#### CODIFICATION

Section was formerly classified to section 1384 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1965—Pub. L. 89-280 substituted provisions in cl. (f) requiring the Smithsonian Institution to include in its annual report of its operations to Congress a statement of activities and operations during the preceding year for provisions which required the Smithsonian Institution to submit to the Congress of the United States not later than the 15th day of each January a report of activities and operations during the preceding year.

#### TRANSFER OF FUNCTIONS

“Smithsonian Institution” substituted in text for “Board of Directors of the Canal Zone Biological Area” and former clause (a) which provided for annual meetings of Board was superseded by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

### § 79c. Resident manager; powers and duties; compensation

The Smithsonian Institution may select and designate a resident manager to assist in carrying out the policy, conditions, and regulations approved by it in compliance with the purposes of this subchapter. The resident manager shall receive such compensation for his services as may be allowed by the Smithsonian Institution.

(July 2, 1940, ch. 516, § 5, 54 Stat. 725; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101.)

#### CODIFICATION

Section was formerly classified to section 1385 of Title 48, Territories and Insular Possessions.

#### TRANSFER OF FUNCTIONS

References to the “Board of Directors of the Canal Zone Biological Area” and its “executive officer” changed to “Smithsonian Institution” and provisions for the appointment and compensation of said executive officer were superseded by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5, Government Organization and Employees.

### § 79d. Deposit of receipts into Treasury; disbursements

All moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 79e of this title, for

carrying out the purposes of this subchapter shall be deposited into the Treasury as trust funds and are appropriated for such purposes. Disbursements of such funds shall be made by the Secretary of the Treasury through the Fiscal Service on requisitions or vouchers signed by or on authority of the Smithsonian Institution.

(July 2, 1940, ch. 516, § 6, 54 Stat. 725; 1940 Reorg. Plan No. III, § 1(a)(1), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; 1946 Reorg. Plan No. 3, § 801, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1101.)

#### CODIFICATION

Section was formerly classified to section 1386 of Title 48, Territories and Insular Possessions.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury and functions of all agencies and employees of such Department transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees.

“Smithsonian Institution” substituted in text for “executive officer of the Board of Directors of the Canal Zone Biological Area” by Reorg. Plan No. 3 of 1946, set out in the Appendix to Title 5.

“Fiscal Service” substituted in text for “Division of Disbursement” on authority of section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, which consolidated such division into Fiscal Service of Department of the Treasury. See section 306 of Title 31, Money and Finance.

### § 79e. Authorization of appropriations

There are authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, such sums as are necessary for the administration of this subchapter and for the maintenance of laboratory or other facilities provided for carrying out the purposes of this subchapter.

(July 2, 1940, ch. 516, § 7, 54 Stat. 725; Pub. L. 89-280, § 1, Oct. 20, 1965, 79 Stat. 1012; Pub. L. 96-89, § 1, Oct. 19, 1979, 93 Stat. 697; Pub. L. 98-57, § 1, July 22, 1983, 97 Stat. 293.)

#### CODIFICATION

Section was formerly classified to section 1387 of Title 48, Territories and Insular Possessions.

#### AMENDMENTS

1983—Pub. L. 98-57 struck out “, not to exceed \$750,000” after “such sums”.

1979—Pub. L. 96-89 substituted “\$750,000” for “\$350,000”.

1965—Pub. L. 89-280 substituted “\$350,000” for “\$10,000”.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 98-57 provided that: “The provision in the first section of this Act [amending this section] shall take effect on October 1, 1983.”

#### EFFECTIVE DATE OF 1979 AMENDMENT

Section 2 of Pub. L. 96-89 provided that: “The provision in section 1 of this Act [amending this section] shall take effect on October 1, 1979.”

SUBCHAPTER X—NATIONAL ARMED  
FORCES MUSEUM ADVISORY BOARD

**§ 80. National Armed Forces Museum Advisory Board**

**(a) Establishment; functions**

There is established in the Smithsonian Institution a National Armed Forces Museum Advisory Board (hereinafter referred to as the Board), which shall provide advice and assistance to the Regents of the Smithsonian Institution on matters concerned with the portrayal of the contributions which the Armed Forces of the United States have made to American society and culture.

**(b) Membership**

The Board shall be composed of eleven members, as follows:

- (1) The Secretary of Defense, who shall serve as an ex officio member;
- (2) The Secretary of the Smithsonian Institution, who shall serve as an ex officio member;
- (3) Nine members appointed by the President, (A) three of whom shall be appointed from persons recommended by the Secretary of Defense to represent the Armed Forces, and (B) two of whom shall be appointed from among persons recommended by the Regents of the Smithsonian Institution. Not less than two members appointed by the President shall be from civilian life.

**(c) Term of office; vacancies**

Members of the Board appointed by the President shall be appointed to serve for a period of six years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first appointed shall expire, as designated by the President at the time of appointment, three at the end of two years, three at the end of four years, and three at the end of six years.

**(d) Quorum**

Five members of the Board shall constitute a quorum and any vacancy in the Board shall not affect its power to function.

**(e) Compensation, travel and other expenses**

The members of the Board shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Board.

**(f) Biennial organization; rules and regulations**

The Board shall select officers from among its members biennially and shall make such bylaws, rules, and regulations as it deems necessary for the furtherance of its business.

(Pub. L. 87-186, § 1, Aug. 30, 1961, 75 Stat. 414.)

**§ 80a. Display of contributions of Armed Forces**

**(a) Study center; historical collections**

The Smithsonian Institution shall commemorate and display the contributions made by the military forces of the Nation toward creating,

developing, and maintaining a free, peaceful, and independent society and culture in the United States of America. The valor and sacrificial service of the men and women of the Armed Forces shall be portrayed as an inspiration to the present and future generations of America. The demands placed upon the full energies of our people, the hardships endured, and the sacrifice demanded in our constant search for world peace shall be clearly demonstrated. The extensive peacetime contributions the Armed Forces have made to the advance of human knowledge in science, nuclear energy, polar and space exploration, electronics, engineering, aeronautics, and medicine shall be graphically described. The Smithsonian Institution shall interpret through dramatic display significant current problems affecting the Nation's security. It shall be equipped with a study center for scholarly research into the meaning of war, its effect on civilization, and the role of the Armed Forces in maintaining a just and lasting peace by providing a powerful deterrent to war. In fulfilling its purposes, the Smithsonian Institution shall collect, preserve, and exhibit military objects of historical interest and significance.

**(b) National Air and Space Museum provisions unaffected**

The provisions of this subchapter in no way rescind subchapter VII of this chapter, which established the National Air and Space Museum of the Smithsonian Institution, or any other authority of the Smithsonian Institution.

(Pub. L. 87-186, § 2, Aug. 30, 1961, 75 Stat. 414; Pub. L. 89-509, pt. I, § 2, July 19, 1966, 80 Stat. 310.)

CHANGE OF NAME

“National Air and Space Museum” substituted for “National Air Museum” in subsec. (b) pursuant to section 2 of Pub. L. 89-509, which is classified to section 77 of this title.

**§ 80b. Selection of site**

**(a) Authorization of Board of Regents; submission of recommendations to Congress**

The Board of Regents of the Smithsonian Institution is authorized and directed, with the advice and assistance of the Board, to investigate and survey lands and buildings in and near the District of Columbia suitable for the display of military collections. The Board of Regents of the Smithsonian Institution shall, after consulting with and seeking the advice of the Commission on Fine Arts, the National Capital Planning Commission, and the General Services Administration, submit recommendations to the Congress with respect to the acquisition of lands and buildings for such purpose.

**(b) Public exhibits and study collections; exhibits of military and naval operations**

Buildings acquired pursuant to recommendations made under subsection (a) of this section shall be used to house public exhibits and study collections that are not appropriate for the military exhibits of the Smithsonian Institution on the Mall in the District of Columbia. Facilities shall be provided for the display of large military objects and for the reconstruction, in an

appropriate way, on lands acquired pursuant to recommendations made under subsection (a) of this section, of exhibits showing the nature of fortifications, trenches, and other military and naval facilities characteristic of the American colonial period, the War of the Revolution, and subsequent American military and naval operations.

(Pub. L. 87-186, §3, Aug. 30, 1961, 75 Stat. 415.)

**§ 80c. Transfer or loan of objects, equipment and records to Smithsonian Institution**

The heads of executive departments and independent agencies of the Government are authorized to transfer or loan to the Smithsonian Institution for its use without charge therefor military, naval, aeronautical, and space objects, equipment and records for exhibition, historical, or other appropriate purposes.

(Pub. L. 87-186, §4, Aug. 30, 1961, 75 Stat. 415.)

**§ 80d. Authorization of appropriations**

There are authorized to be appropriated to the Smithsonian Institution such sums as may be necessary for the purposes of this subchapter.

(Pub. L. 87-186, §5, Aug. 30, 1961, 75 Stat. 415.)

SUBCHAPTER XI—WOODROW WILSON  
INTERNATIONAL CENTER FOR SCHOLARS

**§ 80e. Congressional declaration of policy**

The Congress hereby finds and declares—

(1) that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the twenty-eighth President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding;

(2) that the Woodrow Wilson Memorial Commission, created by joint resolution of Congress, recommended that an International Center for Scholars be constructed in the District of Columbia in the area north of the proposed Market Square as part of the Nation's memorial to Woodrow Wilson;

(3) that such a center, symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson; and

(4) that the establishment of such a center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 “for the increase and diffusion of knowledge among men.”

(Pub. L. 90-637, §2, Oct. 24, 1968, 82 Stat. 1357.)

SHORT TITLE

Section 1 of Pub. L. 90-637 provided: “That this Act [enacting this subchapter] may be cited as the ‘Woodrow Wilson Memorial Act of 1968’.”

**§ 80f. Woodrow Wilson International Center for Scholars; Board of Trustees of the Center**

**(a) Establishment**

There is hereby established in the Smithsonian Institution a Woodrow Wilson Inter-

national Center for Scholars and a Board of Trustees of the Center (hereinafter referred to as the “Center” and the “Board”), whose duties it shall be to maintain and administer the Center and site thereof and to execute such other functions as are vested in the Board by this subchapter.

**(b) Composition of Board**

The Board of Trustees shall be composed of 17 members as follows:

- (1) the Secretary of State;
- (2) the Secretary of Health and Human Services;
- (3) the Secretary of Education;
- (4) the Chairman of the National Endowment for the Humanities;
- (5) the Secretary of the Smithsonian Institution;
- (6) the Librarian of Congress;
- (7) the Archivist of the United States;
- (8) one member appointed by the President from time to time from within the Federal Government; and
- (9) 9 members appointed by the President from private life.

**(c) Appointment of alternate members by members of Board**

Each member of the Board of Trustees specified in paragraphs (1) through (8) of subsection (b) of this section may designate another official to serve on the Board of Trustees in his stead.

**(d) Terms of office; vacancies; reappointment**

Each member of the Board of Trustees appointed under paragraph (10) of subsection (b) of this section shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the trustees first taking office shall begin on October 24, 1968, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and three at the end of six years. No trustee of the Board chosen from private life shall be eligible to serve in excess of two consecutive terms, except that a trustee whose term has expired may serve until his successor has qualified.

**(e) Chairman and Vice Chairman of Board**

The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from private life.

(Pub. L. 90-637, §3, Oct. 24, 1968, 82 Stat. 1357; Pub. L. 95-426, title II, §206, Oct. 7, 1978, 92 Stat. 975; Pub. L. 101-268, Apr. 9, 1990, 104 Stat. 132; Pub. L. 105-277, div. G, subdiv. A, title XIII, §1335(i), Oct. 21, 1998, 112 Stat. 2681-788.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-277, §1335(i)(1)(A), substituted “17” for “19” in introductory provisions.

Subsec. (b)(7) to (10). Pub. L. 105-277, §1335(i)(1)(B)–(D), redesignated pars. (8) to (10) as (7) to (9), respectively, in par. (9) substituted “9” for “10”, and struck out former par. (7) which read as follows: “the Director of the United States Information Agency;”.

Subsec. (c). Pub. L. 105-277, §1335(i)(2), substituted “(8)” for “(9)”.

1990—Subsec. (b). Pub. L. 101-268, §1, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Board of Trustees shall be composed of sixteen members as follows:

- “(1) the Secretary of State;
- “(2) the Director of the United States Information Agency;
- “(3) the Secretary of Health and Human Services;
- “(4) the Chairman of the National Endowment for the Humanities;
- “(5) the Secretary of the Smithsonian Institution;
- “(6) the Librarian of Congress;
- “(7) the Archivist of the United States;
- “(8) one appointed by the President from time to time from within the Federal Government; and
- “(9) eight appointed by the President from private life.”

Subsec. (c). Pub. L. 101-268, §2(1), substituted “(9)” for “(8)”.

Subsec. (d). Pub. L. 101-268, §2(2), substituted “(10)” for “(9)”.

1978—Subsec. (b). Pub. L. 95-426, §206(a)(1), substituted “sixteen” for “fifteen”.

Subsec. (b)(2) to (9). Pub. L. 95-426, §206(a)(2), (3), designated pars. (2) to (8) as (3) to (9), respectively, and added a new par. (2) “the Director of the International Communication Agency”.

Subsec. (c). Pub. L. 95-426, §206(b)(1), substituted “(8)” for “(7)”.

Subsec. (d). Pub. L. 95-426, §206(b)(2), substituted “(9)” for “(8)”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as a note under section 6531 of Title 22.

### § 80g. Powers and duties of Board

#### (a) Appointment of scholars; gifts, bequests, etc.; grants; location of Center; physical facilities; compensation of officers; plans and specifications for Center

In administering the Center, the Board shall have all necessary and proper powers, which shall include but not be limited to the power to—

- (1) appoint scholars, from the United States and abroad, and, where appropriate, provide stipends, grants, and fellowships to such scholars, and to hire or accept the voluntary services of consultants, advisory boards, and panels to aid the Board in carrying out its responsibilities;
- (2) solicit, accept, and dispose of gifts, bequests, and devise of money, securities, and other property of whatsoever character for the benefit of the Center; any such money, securities, or other property shall, upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board for the purposes of the Center;
- (3) obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions, and individuals;
- (4) acquire such site as a location for the Center as may subsequently be authorized by the Congress;
- (5) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including

equipment, necessary for the operation of the Center;

(6) appoint and fix the compensation and duties of the director and such other officers of the Center as may be necessary for the efficient administration of the Center; the director and two other officers of the Center may be appointed and compensated without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5; and

(7) prepare plans and specifications for the Center, including the design and development of all buildings, facilities, open spaces, and other structures on the site in consultation with the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other appropriate Federal and local agencies, such plans to include an exterior classic frieze memorial to Woodrow Wilson.

#### (b) Relocation assistance and programs

The Board shall, in connection with acquisition of any site authorized by Congress, as provided for in paragraph (4) of subsection (a) of this section, provide, to businesses and residents displaced from any such site, relocation assistance, including payments and other benefits, equivalent to that authorized to displace businesses and residents under the Housing Act of 1949, as amended [42 U.S.C. 1441 et seq.]. The Board shall develop a relocation program for existing businesses and residents within the site and submit such program to the government of the District of Columbia for a determination as to its adequacy and feasibility. In providing such relocation assistance and developing such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

(Pub. L. 90-637, §4, Oct. 24, 1968, 82 Stat. 1358; Pub. L. 95-286, §2, May 26, 1978, 92 Stat. 279.)

#### REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a)(6), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The Housing Act of 1949, as amended, referred to in subsec. (b), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§1441 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

#### AMENDMENTS

1978—Subsec. (a)(2). Pub. L. 95-286 substituted “devices” for “devices”.

### § 80g-1. Hubert H. Humphrey Fellowship in Social and Political Thought

#### (a) Establishment in Center

There is hereby established in the Center a Hubert H. Humphrey Fellowship in Social and Political Thought.

#### (b) Selection of Humphrey Fellow; term; compensation

Each year the Board shall select a distinguished scholar, statesman, or cultural figure,

from the United States or abroad, to serve at the Center for a period of up to one year as the Hubert H. Humphrey Fellow in Social and Political Thought (hereinafter in this section referred to as the “Humphrey Fellow”). Each Humphrey Fellow shall receive compensation in an amount, determined by the Board, not to exceed the annual income of the trust fund established under subsection (d) of this section.

**(c) Functions of Humphrey Fellow; publication and dissemination by Board of Memorial Lectures**

Each Humphrey Fellow shall—

- (1) deliver a Hubert H. Humphrey Memorial Lecture; and
- (2) carry out such projects and work as are consistent with the Humphrey Fellowship.

The Board shall provide for the publication and dissemination of the Hubert H. Humphrey Memorial Lectures.

**(d) Hubert H. Humphrey Fellowship Trust Fund; establishment, composition, investments, etc.**

(1) There is hereby established in the Treasury of the United States a trust fund to be known as the Hubert H. Humphrey Fellowship Trust Fund (hereinafter in this section referred to as the “fund”). The Secretary of the Treasury shall deposit in the fund such sums as may be appropriated to the fund under subsection (f) of this section and shall receive into the Treasury and deposit into the fund such sums as may be received as contributions to the fund.

(2) The Secretary of the Treasury shall invest amounts in the fund in public debt securities with maturities suitable for the needs of the fund and bearing interest at prevailing market rates; and the interest on such investments shall be credited to and form a part of the fund.

(3) Notwithstanding section 80g(a)(2) of this title any gift, bequest, or devise of money, securities or other property for the benefit of the Hubert H. Humphrey Fellowship in Social and Political Thought received by the Board shall, upon receipt, be deposited into the fund as provided by paragraph (1).

**(e) Payments to Board from investments for implementation of Fellowship purposes**

The Secretary of the Treasury shall pay to the Board from amounts received as interest on investments under subsection (d)(2) of this section such sums as the Board determines are necessary and appropriate for the purposes of the Humphrey Fellowship.

**(f) Authorization of appropriations**

There is authorized to be appropriated to the fund for the fiscal year beginning October 1, 1978, \$1,000,000.

(Pub. L. 90-637, § 5, as added Pub. L. 95-286, § 1(2), May 26, 1978, 92 Stat. 278.)

**§ 80h. Administration; quorum**

The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this subchapter, including, among other matters, bylaws, rules, and regula-

tions relating to the administration of its trust funds and the organization and procedure of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

(Pub. L. 90-637, § 6, formerly § 5, Oct. 24, 1968, 82 Stat. 1359, renumbered Pub. L. 95-286, § 1(1), May 26, 1978, 92 Stat. 278.)

**§ 80i. Authorization of appropriations; limitations**

There are hereby authorized to be appropriated to the Board such funds as may be necessary to carry out the purposes of this subchapter: *Provided*, That no more than \$200,000 shall be authorized for appropriation through fiscal year 1970 and no part of that appropriation shall be available for construction purposes.

(Pub. L. 90-637, § 7, formerly § 6, Oct. 24, 1968, 82 Stat. 1359, renumbered Pub. L. 95-286, § 1(1), May 26, 1978, 92 Stat. 278.)

**§ 80j. Audit of accounts**

The accounts of the Board shall be audited in accordance with the principles and procedures applicable to, and as part of, the audit of the other Federal and trust funds of the Smithsonian Institution.

(Pub. L. 90-637, § 8, formerly § 7, Oct. 24, 1968, 82 Stat. 1359, renumbered Pub. L. 95-286, § 1(1), May 26, 1978, 92 Stat. 278.)

**SUBCHAPTER XII—MUSEUM OF AFRICAN ART**

**§ 80k. Donation and transfer of lands and improvements, works of art, and other assets and property of Museum of African Art to Smithsonian Institution**

The Board of Regents of the Smithsonian Institution (hereinafter in this subchapter referred to as the “Board”) is authorized to accept a deed or other instrument donating and transferring to the Smithsonian Institution, the land and improvements thereto, collections of works of art, and all other assets and property of the Museum of African Art.

(Pub. L. 95-414, § 1, Oct. 5, 1978, 92 Stat. 911.)

**EFFECTIVE DATE**

Section 7 of Pub. L. 95-414 provided that: “Except for the provisions in sections 1 and 6(b) [this section and section 80p(b) of this title], the provisions of this Act [this subchapter] shall take effect on the date of transfer of a deed or other instrument under the provisions of section 1 [this section].”

**§ 80l. Establishment of Museum of African Art; functions**

There is established in the Smithsonian Institution a bureau which shall be known as the “Museum of African Art” (hereinafter in this subchapter referred to as the “Museum”). The functions of such bureau shall be those authorized by section 80m(a) of this title.

(Pub. L. 95-414, § 2, Oct. 5, 1978, 92 Stat. 911.)

**CONSTRUCTION OF NATIONAL MUSEUM OF AFRICAN ART**

Regents of Smithsonian Institution authorized to construct building for National Museum of African Art,

see Pub. L. 97-203, June 24, 1982, 96 Stat. 129, set out as a note under section 50 of this title.

#### **§ 80m. Powers of Board**

##### **(a) Acquisition, retention, and disposition of property; research and education programs**

For the purpose of carrying out sections 80k and 80l of this title, the Board may—

(1) purchase, accept, borrow, or otherwise acquire additional works of art or any other real or personal property for the Museum;

(2) preserve, maintain, restore, display, loan, transfer, store, or otherwise hold any property of whatsoever nature acquired pursuant to section 80k of this title or paragraph (1) of this subsection;

(3) conduct programs of research and education; and

(4) subject to any limitations otherwise expressly provided by law, and, in the case of any gift, subject to any applicable restrictions under the terms of such gift, sell, exchange, or otherwise dispose of any property of whatsoever nature acquired pursuant to the provisions of this subchapter: *Provided*, That the proceeds from the sale of any property acquired pursuant to section 80k of this title shall be designated for the benefit of the Museum.

##### **(b) Recommendations of Commission**

In carrying out the purposes of this subchapter, the Board shall consider the recommendations of the Commission established pursuant to section 80n of this title.

(Pub. L. 95-414, § 3, Oct. 5, 1978, 92 Stat. 911.)

#### **§ 80n. Commission for the Museum of African Art**

##### **(a) Establishment; duties**

There is established a Commission for the Museum of African Art (hereinafter the “Commission”) which shall provide advice and assistance to the Board concerning the operation and development of the Museum, its collections and programs.

##### **(b) Membership**

The Commission shall consist of fifteen members to be appointed by the Board. In addition, the Secretary and an Assistant Secretary of the Smithsonian Institution shall serve as ex officio members. The Board shall appoint to the first term on the Commission no less than ten members of the Board of Trustees of the Museum of African Art who are serving on October 5, 1978. Each initial member so appointed shall serve for a three-year term. Thereafter, in appointing members of the Commission the Board shall continue to include representatives of African descendants in the United States, collectors of African Art, and scholars in the fields of African art and culture.

##### **(c) Terms of office**

Members of the Commission shall be appointed to serve for a three-year term, except that after the appointment of the first term of the Commission as specified in subsection (b) of this section, the terms of office of members next appointed shall expire, as designated by the Board

at the time of appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Members may be reappointed.

##### **(d) Quorum; vacancies**

A majority of the appointed members of the Commission shall constitute a quorum and any vacancy in the Commission shall not affect its power to function.

##### **(e) Travel, subsistence, and other expenses**

Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

##### **(f) Selection of officers; bylaws**

The Commission shall select officers, from among its members biennially and shall make bylaws to carry out its functions under this subchapter.

(Pub. L. 95-414, § 4, Oct. 5, 1978, 92 Stat. 911.)

#### **§ 80o. Director, officers, and employees; appointment, compensation, and duties**

The Board may appoint and fix the compensation and duties of the Director and such other officers and employees of the Museum as may be necessary for the efficient administration, operation, and maintenance of the Museum; the Director and two other employees of the Museum may be appointed and compensated without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5; and all of the employees of the Museum who are serving on the date of the transfer authorized under section 80k of this title shall be offered employment by the Smithsonian under its usual terms of employment and may be appointed without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5.

(Pub. L. 95-414, § 5, Oct. 5, 1978, 92 Stat. 912.)

#### **REFERENCES IN TEXT**

Provisions of title 5 governing appointments in the competitive service, referred to in text, are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

#### **§ 80p. Funding**

##### **(a) Federal funds for Museum**

The faith of the United States is pledged that upon the completion of the acquisition in section 80k of this title, the United States will provide such funds as may be necessary for the upkeep of the Museum and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the Board, so the Museum shall at all times be properly maintained and works of art contained therein shall be exhibited regularly to the general public free of charge.

**(b) Authorization of appropriations**

There is authorized to be appropriated for the first fiscal year under this subchapter, the sum of \$1,000,000 and such amounts as may be necessary for the succeeding fiscal years in order to carry out the provisions of this subchapter.

(Pub. L. 95-414, § 6, Oct. 5, 1978, 92 Stat. 912.)

**EFFECTIVE DATE**

Section effective, except for the provisions in subsec. (b) of this section, on the date of transfer of a deed or other instrument under the provisions of section 80k of this title, see section 7 of Pub. L. 95-414, set out as a note under section 80k of this title.

**SUBCHAPTER XIII—NATIONAL MUSEUM OF THE AMERICAN INDIAN****§ 80q. Findings**

The Congress finds that—

(1) there is no national museum devoted exclusively to the history and art of cultures indigenous to the Americas;

(2) although the Smithsonian Institution sponsors extensive Native American programs, none of its 19 museums, galleries, and major research facilities is devoted exclusively to Native American history and art;

(3) the Heye Museum in New York, New York, one of the largest Native American collections in the world, has more than 1,000,000 art objects and artifacts and a library of 40,000 volumes relating to the archaeology, ethnology, and history of Native American peoples;

(4) the Heye Museum is housed in facilities with a total area of 90,000 square feet, but requires a minimum of 400,000 square feet for exhibition, storage, and scholarly research;

(5) the bringing together of the Heye Museum collection and the Native American collection of the Smithsonian Institution would—

(A) create a national institution with unrivaled capability for exhibition and research;

(B) give all Americans the opportunity to learn of the cultural legacy, historic grandeur, and contemporary culture of Native Americans;

(C) provide facilities for scholarly meetings and the performing arts;

(D) make available curatorial and other learning opportunities for Indians; and

(E) make possible traveling exhibitions to communities throughout the Nation;

(6) by order of the Surgeon General of the Army, approximately 4,000 Indian human remains from battlefields and burial sites were sent to the Army Medical Museum and were later transferred to the Smithsonian Institution;

(7) through archaeological excavations, individual donations, and museum donations, the Smithsonian Institution has acquired approximately 14,000 additional Indian human remains;

(8) the human remains referred to in paragraphs (6) and (7) have long been a matter of concern for many Indian tribes, including Alaska Native Villages, and Native Hawaiian

communities which are determined to provide an appropriate resting place for their ancestors;

(9) identification of the origins of such human remains is essential to addressing that concern; and

(10) an extraordinary site on the National Mall in the District of Columbia (U.S. Government Reservation No. 6) is reserved for the use of the Smithsonian Institution and is available for construction of the National Museum of the American Indian.

(Pub. L. 101-185, § 2, Nov. 28, 1989, 103 Stat. 1336.)

**SHORT TITLE OF 1996 AMENDMENT**

Pub. L. 104-278, §1(a), Oct. 9, 1996, 110 Stat. 3355, provided that: "This Act [enacting section 80q-9a of this title and amending sections 80q-3, 80q-9, and 80q-10 of this title] may be cited as the 'National Museum of the American Indian Act Amendments of 1996'."

**SHORT TITLE**

Section 1 of Pub. L. 101-185 provided that: "This Act [enacting this subchapter] may be cited as the 'National Museum of the American Indian Act'."

**§ 80q-1. National Museum of the American Indian****(a) Establishment**

There is established, within the Smithsonian Institution, a living memorial to Native Americans and their traditions which shall be known as the "National Museum of the American Indian".

**(b) Purposes**

The purposes of the National Museum are to—

(1) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(2) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest;

(3) provide for Native American research and study programs; and

(4) provide for the means of carrying out paragraphs (1), (2), and (3) in the District of Columbia, the State of New York, and other appropriate locations.

(Pub. L. 101-185, § 3, Nov. 28, 1989, 103 Stat. 1337.)

**§ 80q-2. Authority of Board of Regents to enter into agreement providing for transfer of Heye Foundation assets to Smithsonian Institution**

The Board of Regents is authorized to enter into an agreement with the Heye Foundation, to provide for the transfer to the Smithsonian Institution of title to the Heye Foundation assets. The agreement shall—

(1) require that the use of the assets be consistent with section 80q-1(b) of this title; and

(2) be governed by, and construed in accordance with, the law of the State of New York.

The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over any cause of action arising under the agreement.

(Pub. L. 101-185, § 4, Nov. 28, 1989, 103 Stat. 1337.)



**§ 80q-3. Board of Trustees of National Museum of the American Indian**

**(a) In general**

The National Museum shall be under a Board of Trustees with the duties, powers, and authority specified in this section.

**(b) General duties and powers**

The Board of Trustees shall—

(1) recommend annual operating budgets for the National Museum to the Board of Regents;

(2) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the National Museum;

(3) adopt bylaws for the Board of Trustees;

(4) designate a chairman and other officers from among the members of the Board of trustees;<sup>1</sup> and

(5) report annually to the Board of Regents on the acquisition, disposition, and display of Native American objects and artifacts and on other appropriate matters.

**(c) Sole authority**

Subject to the general policies of the Board of Regents, the Board of Trustees shall have the sole authority to—

(1) lend, exchange, sell, or otherwise dispose of any part of the collections of the National Museum, with the proceeds of such transactions to be used for additions to the collections of the National Museum or additions to the endowment of the National Museum, as the case may be;

(2) purchase, accept, borrow, or otherwise acquire artifacts and other objects for addition to the collections of the National Museum; and

(3) specify criteria for use of the collections of the National Museum for appropriate purposes, including research, evaluation, education, and method of display.

**(d) Authority**

Subject to the general policies of the Board of Regents, the Board of Trustees shall have authority to—

(1) provide for restoration, preservation, and maintenance of the collections of the National Museum;

(2) solicit funds for the National Museum and determine the purposes to which such funds shall be applied; and

(3) approve expenditures from the endowment of the National Museum for any purpose of the Museum.

**(e) Initial appointments to Board of Trustees**

**(1) Membership**

The initial membership of the Board of Trustees shall consist of—

(A) the Secretary of the Smithsonian Institution;

(B) an Assistant Secretary of the Smithsonian Institution appointed by the Board of Regents;

(C) 8 individuals appointed by the Board of Regents; and

(D) 15 individuals, each of whom shall be a member of the board of trustees of the Heye

Museum, appointed by the Board of Regents from a list of nominees recommended by the board of trustees of the Heye Museum.

**(2) Special rule**

At least 7 of the 23 members appointed under subparagraphs (C) and (D) of paragraph (1) shall be Indians.

**(3) Terms**

The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. The terms of the trustees appointed under subparagraph (C) or (D) of paragraph (1) shall be 3 years, beginning on the date of the transfer of the Heye Foundation assets to the Smithsonian Institution.

**(4) Vacancies**

Any vacancy shall be filled only for the remainder of the term involved. Any vacancy appointment under paragraph (1)(D) shall not be subject to the source and recommendation requirements of that paragraph, but shall be subject to paragraph (2).

**(f) Subsequent appointments to Board of Trustees**

**(1) Membership**

Upon the expiration of the terms under subsection (e) of this section, the Board of Trustees shall consist of—

(A) the Secretary of the Smithsonian Institution;

(B) a senior official of the Smithsonian Institution appointed by the Board of Regents; and

(C) 23 individuals appointed by the Board of Regents from a list of nominees recommended by the Board of Trustees.

**(2) Special rule**

A<sup>2</sup> least 12 of the 23 members appointed under paragraph (1)(C) shall be Indians.

**(3) Terms**

The trustee appointed under paragraph (1)(B) shall serve at the pleasure of the Board of Regents. Except as otherwise provided in the next sentence, the terms of members appointed under paragraph (1)(C) shall be 3 years. Of the members first appointed under paragraph (1)(C)—

(A) 7 members, 4 of whom shall be Indians, shall be appointed for a term of one year, as designated at the time of appointment; and

(B) 8 members, 4 of whom shall be Indians, shall be appointed for a term of 2 years, as designated at the time of appointment.

**(4) Vacancies**

Any vacancy shall be filled only for the remainder of the term involved.

**(g) Quorum**

A majority of the members of the Board of Trustees then in office shall constitute a quorum.

**(h) Expenses**

Members of the Board shall be entitled (to the same extent as provided in section 5703 of title

<sup>1</sup> So in original. Probably should be capitalized.

<sup>2</sup> So in original. Probably should be "At".

5 with respect to employees serving intermittently in the Government service) to per diem, travel, and transportation expenses for each day (including travel time) during which they are engaged in the performance of their duties.

(Pub. L. 101-185, §5, Nov. 28, 1989, 103 Stat. 1337; Pub. L. 104-278, §2, Oct. 9, 1996, 110 Stat. 3355.)

#### AMENDMENTS

1996—Subsec. (f)(1)(B). Pub. L. 104-278 substituted “a senior official” for “an Assistant Secretary”.

### § 80q-4. Director and staff of National Museum

#### (a) In general

The Secretary of the Smithsonian Institution shall appoint—

- (1) a Director who, subject to the policies of the Board of Trustees, shall manage the National Museum; and
- (2) other employees of the National Museum, to serve under the Director.

#### (b) Offer of employment to Heye Foundation employees

Each employee of the Heye Museum on the day before the date of the transfer of the Heye Foundation assets to the Smithsonian Institution shall be offered employment with the Smithsonian Institution—

- (1) under the usual terms of such employment; and
- (2) at a rate of pay not less than the rate applicable to the employee on the day before the date of the transfer.

#### (c) Applicability of certain civil service laws

The Secretary may—

- (1) appoint the Director, 2 employees under subsection (a)(2) of this section, and the employees under subsection (b) of this section without regard to the provisions of title 5, governing appointments in the competitive service;
- (2) fix the pay of the Director and such 2 employees without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates; and
- (3) fix the pay of the employees under subsection (b) of this section in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, subject to subsection (b)(2) of this section.

(Pub. L. 101-185, §6, Nov. 28, 1989, 103 Stat. 1339.)

#### REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (c)(1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

### § 80q-5. Museum facilities

#### (a) National Museum mall facility

The Board of Regents shall plan, design, and construct a facility on the area bounded by Third Street, Maryland Avenue, Independence Avenue, Fourth Street, and Jefferson Drive, Southwest, in the District of Columbia to house the portion of the National Museum to be lo-

cated in the District of Columbia. The Board of Regents shall pay not more than ⅔ of the total cost of planning, designing, and constructing the facility from funds appropriated to the Board of Regents. The remainder of the costs shall be paid from non-Federal sources.

#### (b) National Museum Heye Center facility

##### (1) Lease of space from GSA

##### (A) Terms

Notwithstanding section 586(a) and (b) of title 40, the Administrator of General Services may lease, at a nominal charge, to the Smithsonian Institution space in the Old United States Custom House at One Bowling Green, New York, New York, to house the portion of the National Museum to be located in the city of New York. The lease shall be subject to such terms as may be mutually agreed upon by the Administrator and the Secretary of the Smithsonian Institution. The term of the lease shall not be less than 99 years.

##### (B) Reimbursement of Federal buildings fund

The Administrator of General Services may reimburse the fund established by section 592 of title 40 for the difference between the amount charged to the Smithsonian Institution for leasing space under this paragraph and the commercial charge under section 586(a) and (b) of title 40 which, but for this paragraph, would apply to the leasing of such space. There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subparagraph for fiscal years beginning after September 30, 1990.

##### (2) Construction

##### (A) Museum facility

The Board of Regents shall plan, design, and construct a significant facility for the National Museum in the space leased under paragraph (1).

##### (B) Auditorium and loading dock facility

The Administrator of General Services shall plan, design, and construct an auditorium and loading dock in the Old United States Custom House at One Bowling Green, New York, New York, for the shared use of all the occupants of the building, including the National Museum.

##### (C) Square footage

The facilities to be constructed under this paragraph shall have, in the aggregate, a total square footage of approximately 82,500 square feet.

##### (3) Repairs and alterations

After construction of the facility under paragraph (2)(A), repairs and alterations of the facility shall be the responsibility of the Board of Regents.

##### (4) Reimbursement of GSA

The Board of Regents shall reimburse the Administrator for the Smithsonian Institution's pro rata share of the cost of utilities, maintenance, cleaning, and other services in-

curred with respect to the space leased under paragraph (1) and the full cost of any repairs or alterations made by the General Services Administration at the request of the Smithsonian Institution with respect to the space.

**(5) Cost sharing**

**(A) General rules**

The Board of Regents shall pay  $\frac{1}{3}$  of the costs of planning, designing, and constructing the facility under paragraph (2)(A) from funds appropriated to the Board of Regents. The remainder of the costs shall be paid from non-Federal sources.

**(B) Responsibilities of New York City and State**

Of the costs which are required to be paid from non-Federal sources under this paragraph, the city of New York, New York, and the State of New York have each agreed to pay \$8,000,000 or an amount equal to  $\frac{1}{3}$  of the costs of planning, designing, and constructing the facility under paragraph (2)(A), whichever is less. Such payments shall be made to the Board of Regents in accordance with a payment schedule to be agreed upon by the city and State and the Board of Regents.

**(C) Limitation on obligations of Federal funds**

Federal funds may not be obligated for actual construction of a facility under paragraph (2)(A) in a fiscal year until non-Federal sources have paid to the Board of Regents the non-Federal share of such costs which the Board of Regents estimates will be incurred in such year.

**(6) Designation**

The facility to be constructed under paragraph (2)(A) shall be known and designated as the “George Gustav Heye Center of the National Museum of the American Indian”.

**(c) Museum Support Center facility**

The Board of Regents shall plan, design, and construct a facility for the conservation and storage of the collections of the National Museum at the Museum Support Center of the Smithsonian Institution.

**(d) Minimum square footage**

The facilities to be constructed under this section shall have, in the aggregate, a total square footage of at least 400,000 square feet.

**(e) Authority to contract with GSA**

The Board of Regents and the Administrator of General Services may enter into such agreements as may be necessary for planning, designing, and constructing facilities under this section (other than subsection (b)(2)(B)). Under such agreements, the Board of Regents shall transfer to the Administrator, from funds available for planning, designing, and constructing such facilities, such amounts as may be necessary for expenses of the General Services Administration with respect to planning, designing, and constructing such facilities.

**(f) Limitation on obligation of Federal funds**

Notwithstanding any other provision of this subchapter, funds appropriated for carrying out

this section may not be obligated for actual construction of any facility under this section until the 60th day after the date on which the Board of Regents transmits to Congress a written analysis of the total estimated cost of the construction and a cost-sharing plan projecting the amount for Federal appropriations and for non-Federal contributions for the construction on a fiscal year basis.

(Pub. L. 101-185, §7, Nov. 28, 1989, 103 Stat. 1339.)

CODIFICATION

“Section 586(a) and (b) of title 40” substituted in subsec. (b)(1)(A) for “section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j))”, “section 592 of title 40” substituted in subsec. (b)(1)(B) for “section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f))”, and “section 586(a) and (b) of title 40” substituted in subsec. (b)(1)(B) for “section 210(j) of such Act” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

NATIONAL NATIVE AMERICAN VETERANS’ MEMORIAL

Pub. L. 103-384, Oct. 22, 1994, 108 Stat. 4067, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Native American Veterans’ Memorial Establishment Act of 1994’.

“SEC. 2. FINDINGS.

“The Congress finds the following:

“(1) Native Americans across the Nation—Indians, Native Alaskans, and Native Hawaiians—have a long, proud and distinguished tradition of service in the Armed Forces of the United States.

“(2) Native Americans have historically served in the Armed Forces of the United States in numbers which far exceed their representation in the population of the United States.

“(3) Native American veterans count among themselves a number of Medal of Honor recipients. Their numbers are also conspicuous in the ranks of those who have received other decorations for valor and distinguished service.

“(4) Native Americans have lost their lives in the service of their Nation and in the cause of peace.

“(5) The National Museum of the American Indian was established as a living memorial to Native Americans. Its mission is to advance knowledge and understanding of Native American cultures, including art, history, language, and the contributions Native Americans have made to our society.

“(6) The National Museum of the American Indian is an extraordinary site and an ideal location to establish a National Native American Veterans’ Memorial.

“(7) A National Native American Veterans’ Memorial would further the purposes of the National Museum of the American Indian by giving all Americans the opportunity to learn of the proud and courageous tradition of service of Native Americans in the Armed Forces of the United States.

“SEC. 3. AUTHORITY TO ESTABLISH MEMORIAL.

“(a) IN GENERAL.—The National Museum of the American Indian (established by the National Museum of the American Indian Act (20 U.S.C. 80q et seq.)), in close consultation with the National Congress of American Indians and other Native American groups, is authorized to construct and maintain a National Native American Veterans’ Memorial (hereafter in this Act referred to as the ‘memorial’).

“(b) LOCATION.—The memorial shall be located at a site determined to be suitable by the Museum within the interior structure of the facility provided for by section 7(a) of such Act (20 U.S.C. 80q-5(a)) (relating to

housing the portion of the Museum to be located in the District of Columbia).

“(c) DESIGN AND PLANS.—(1) The National Congress of American Indians, in consultation with the Museum, is authorized to hold a competition to select the design of the Memorial. Any design so selected shall be compatible with both the purpose of the Museum, as set forth in section 3(b) of the National Museum of the American Indian Act (20 U.S.C. 80q-1 [(b)]), and with any existing design plans for the Museum’s structure and its surroundings.

“(2) Any design so selected shall be subject to the approval of the Board of Regents of the Smithsonian Institution.

“SEC. 4. PAYMENT OF EXPENSES AND USE OF NAME.

“(a) RESPONSIBILITY OF NATIONAL CONGRESS OF AMERICAN INDIANS.—The National Congress of American Indians shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

“(b) USE OF NAME.—Use of the name of the Smithsonian Institution or the National Museum of the American Indian in any material regarding the memorial produced by the National Congress of American Indians, other than in a manner simply describing the location of the memorial, shall be subject to consultation with, and the approval of, the Board of Regents of the Smithsonian Institution.”

#### **§ 80q-6. Custom House office space and auditorium**

##### **(a) Repairs and alterations**

The Administrator of General Services shall make such repairs and alterations as may be necessary in the portion of the Old United States Custom House at One Bowling Green, New York, New York, which is not leased to the Board of Regents under section 80q-5(b) of this title and which, as of November 28, 1989, has not been altered.

##### **(b) Authorization of appropriation**

There is authorized to be appropriated to the Administrator of General Services \$25,000,000 from the fund established pursuant to section 592 of title 40 to carry out this section and section 80q-5(b)(2)(B) of this title.

(Pub. L. 101-185, § 8, Nov. 28, 1989, 103 Stat. 1341.)

#### **CODIFICATION**

“Section 592 of title 40” substituted in subsec. (b) for “section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f))” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

#### **§ 80q-7. Audubon Terrace**

##### **(a) In general**

The Board of Regents shall—

(1) assure that, on the date on which a qualified successor to the Heye Foundation at Audubon Terrace first takes possession of Audubon Terrace, an area of at least 2,000 square feet at that facility is accessible to the public and physically suitable for exhibition of museum objects and for related exhibition activities;

(2) upon written agreement between the Board and any qualified successor, lend ob-

jects from the collections of the Smithsonian Institution to the successor for exhibition at Audubon Terrace; and

(3) upon written agreement between the Board and any qualified successor, provide training, scholarship, technical, and other assistance (other than operating funds) with respect to the area referred to in paragraph (1) for the purposes described in that paragraph.

##### **(b) Determination of charges**

Any charge by the Board of Regents for activities pursuant to agreements under paragraph (2) or (3) of subsection (a) of this section shall be determined according to the ability of the successor to pay.

##### **(c) Definition**

As used in this section, the terms “qualified successor to the Heye Foundation at Audubon Terrace”, “qualified successor”, and,<sup>1</sup> “successor” mean an organization described in section 501(c)(3) of title 26, and exempt from tax under section 501(a) of title 26, that, as determined by the Board of Regents—

(1) is a successor occupant to the Heye Foundation at Audubon Terrace, 3753 Broadway, New York, New York;

(2) is qualified to operate the area referred to in paragraph (1) for the purposes described in that paragraph; and

(3) is committed to making a good faith effort to respond to community cultural interests in such operation.

(Pub. L. 101-185, § 9, Nov. 28, 1989, 103 Stat. 1342.)

#### **§ 80q-8. Board of Regents functions with respect to certain agreements and programs**

##### **(a) Priority to be given to Indian organizations with respect to certain agreements**

In entering into agreements with museums and other educational and cultural organizations to—

(1) lend Native American artifacts and objects from any collection of the Smithsonian Institution;

(2) sponsor or coordinate traveling exhibitions of artifacts and objects; or

(3) provide training or technical assistance;

the Board of Regents shall give priority to agreements with Indian organizations, including Indian tribes, museums, cultural centers, educational institutions, libraries, and archives. Such agreements may provide that loans or services to such organizations may be furnished by the Smithsonian Institution at minimal or no cost.

##### **(b) Indian programs**

The Board of Regents may establish—

(1) programs to serve Indian tribes and communities; and

(2) in cooperation with educational institutions, including tribally controlled community colleges (as defined in section 1801<sup>1</sup> of title 25), programs to enhance the opportuni-

<sup>1</sup> So in original. The comma probably should not appear.

<sup>1</sup> See References in Text note below.

ties for Indians in the areas of museum studies, management, and research.

**(c) Indian Museum Management Fellowships**

The Board of Regents shall establish an Indian Museum Management Fellowship program to provide stipend support to Indians for training in museum development and management.

**(d) Authorization of appropriations**

There is authorized to be appropriated \$2,000,000 for each fiscal year, beginning with fiscal year 1991, to carry out subsections (b) and (c) of this section.

(Pub. L. 101–185, §10, Nov. 28, 1989, 103 Stat. 1342; Pub. L. 105–244, title IX, §901(d), Oct. 7, 1998, 112 Stat. 1828.)

REFERENCES IN TEXT

Section 1801 of title 25, referred to in subsec. (b)(2), was subsequently amended, and no longer defines the term “tribally controlled community college”.

AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105–244 made technical amendment to reference in original act which appears in text as reference to section 1801 of title 25.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of this title.

**§ 80q–9. Inventory, identification, and return of Indian human remains and Indian funerary objects in possession of Smithsonian Institution**

**(a) Inventory and identification**

(1) The Secretary of the Smithsonian Institution, in consultation and cooperation with traditional Indian religious leaders and government officials of Indian tribes, shall—

(A) inventory the Indian human remains and Indian funerary objects in the possession or control of the Smithsonian Institution; and

(B) using the best available scientific and historical documentation, identify the origins of such remains and objects.

(2) The inventory made by the Secretary of the Smithsonian Institution under paragraph (1) shall be completed not later than June 1, 1998.

(3) For purposes of this subsection, the term “inventory” means a simple, itemized list that, to the extent practicable, identifies, based upon available information held by the Smithsonian Institution, the geographic and cultural affiliation of the remains and objects referred to in paragraph (1).

**(b) Notice in case of identification of tribal origin**

If the tribal origin of any Indian human remains or Indian funerary object is identified by a preponderance of the evidence, the Secretary shall so notify any affected Indian tribe at the earliest opportunity.

**(c) Return of Indian human remains and associated Indian funerary objects**

If any Indian human remains are identified by a preponderance of the evidence as those of a

particular individual or as those of an individual culturally affiliated with a particular Indian tribe, the Secretary, upon the request of the descendants of such individual or of the Indian tribe shall expeditiously return such remains (together with any associated funerary objects) to the descendants or tribe, as the case may be.

**(d) Return of Indian funerary objects not associated with Indian human remains**

If any Indian funerary object not associated with Indian human remains is identified by a preponderance of the evidence as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe, the Secretary, upon the request of the Indian tribe, shall expeditiously return such object to the tribe.

**(e) Interpretation**

Nothing in this section shall be interpreted as—

(1) limiting the authority of the Smithsonian Institution to return or repatriate Indian human remains or Indian funerary objects to Indian tribes or individuals; or

(2) delaying actions on pending repatriation requests, denying or otherwise affecting access to the courts, or limiting any procedural or substantive rights which may otherwise be secured to Indian tribes or individuals.

**(f) Authorization of appropriations**

There is authorized to be appropriated \$1,000,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years to carry out this section and section 80q–9a of this title.

(Pub. L. 101–185, §11, Nov. 28, 1989, 103 Stat. 1343; Pub. L. 104–278, §3, Oct. 9, 1996, 110 Stat. 3355.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–278, §3(a), designated existing provisions as par. (1), added pars. (2) and (3), and redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1).

Subsec. (f). Pub. L. 104–278, §3(b), inserted “and section 80q–9a of this title” after “to carry out this section”.

**§ 80q–9a. Summary and repatriation of unassociated funerary objects, sacred objects, and cultural patrimony**

**(a) Summary**

Not later than December 31, 1996, the Secretary of the Smithsonian Institution shall provide a written summary that contains a summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony (as those terms are defined in subparagraphs (B), (C), and (D), respectively, of section 3001(3) of title 25, based upon available information held by the Smithsonian Institution. The summary required under this section shall include, at a minimum, the information required under section 3004 of title 25.

**(b) Repatriation**

Where cultural affiliation of Native American unassociated funerary objects, sacred objects, and objects of cultural patrimony has been established in the summary prepared pursuant to

subsection (a) of this section, or where a requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion, then the Smithsonian Institution shall expeditiously return such unassociated funerary object, sacred object, or object of cultural patrimony where—

(1) the requesting party is the direct lineal descendant of an individual who owned the unassociated funerary object or sacred object;

(2) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the Indian tribe or Native Hawaiian organization; or

(3) the requesting Indian tribe or Native Hawaiian organization can show that the unassociated funerary object or sacred object was owned or controlled by a member thereof, provided that in the case where an unassociated funerary object or sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object.

**(c) Standard of repatriation**

If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony pursuant to this subchapter and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Smithsonian Institution did not have the right of possession, then the Smithsonian Institution shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

**(d) Museum obligation**

Any museum of the Smithsonian Institution which repatriates any item in good faith pursuant to this subchapter shall not be liable for claims by an aggrieved party or for claims of fiduciary duty, public trust, or violations of applicable law that are inconsistent with the provisions of this subchapter.

**(e) Statutory construction**

Nothing in this section may be construed to prevent the Secretary of the Smithsonian Institution, with respect to any museum of the Smithsonian Institution, from making an inventory or preparing a written summary or carrying out the repatriation of unassociated funerary objects, sacred objects, or objects of cultural patrimony in a manner that exceeds the requirements of this subchapter.

**(f) “Native Hawaiian organization” defined**

For purposes of this section, the term “Native Hawaiian organization” has the meaning provided that term in section 3001(11) of title 25.

(Pub. L. 101-185, §11A, as added Pub. L. 104-278, §4, Oct. 9, 1996, 110 Stat. 3355.)

**§ 80q-10. Special committee to review inventory, identification, and return of Indian human remains and Indian funerary objects**

**(a) Establishment; duties**

Not later than 120 days after November 28, 1989, the Secretary of the Smithsonian Institution shall appoint a special committee to monitor and review the inventory, identification, and return of Indian human remains and Indian funerary objects under section 80q-9 of this title and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 80q-9a of this title. In carrying out its duties, the committee shall—

(1) with respect to the inventory and identification, ensure fair and objective consideration and assessment of all relevant evidence;

(2) upon the request of any affected party or otherwise, review any finding relating to the origin or the return of such remains or objects;

(3) facilitate the resolution of any dispute that may arise between Indian tribes with respect to the return of such remains or objects; and

(4) perform such other related functions as the Secretary may assign.

**(b) Membership**

The committee shall consist of 7 members, of whom—

(1) 4 members shall be appointed from among nominations submitted by Indian tribes and organizations;

(2) at least 2 members shall be traditional Indian religious leaders; and

(3) the Secretary shall designate one member as chairman.

The Secretary may not appoint to the committee any individual who is an officer or employee of the Government (including the Smithsonian Institution) or any individual who is otherwise affiliated with the Smithsonian Institution.

**(c) Access**

The Secretary shall ensure that the members of the committee have full and free access to the Indian human remains and Indian funerary objects subject to section 80q-9 of this title and to any related evidence, including scientific and historical documents.

**(d) Pay and expenses of members**

Members of the committee shall—

(1) be paid the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General schedule under section 5332 of title 5; and

(2) be entitled (to the same extent as provided in section 5703 of such title, with respect to employees serving intermittently in the Government service) to per diem, travel, and transportation expenses;

for each day (including travel time) during which they are engaged in the performance of their duties.

**(e) Rules and administrative support**

The Secretary shall prescribe regulations and provide administrative support for the committee.

**(f) Report and termination**

At the conclusion of the work of the committee, the Secretary shall be so<sup>1</sup> certify by report to the Congress. The committee shall cease to exist 120 days after the submission of the report.

**(g) Nonapplicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the committee.

**(h) Authorization of appropriations**

There is authorized to be appropriated \$250,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years to carry out this section.

(Pub. L. 101-185, § 12, Nov. 28, 1989, 103 Stat. 1344; Pub. L. 104-278, § 5, Oct. 9, 1996, 110 Stat. 3357.)

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-278, § 5(1), in first sentence, inserted “and unassociated funerary objects, sacred objects, and objects of cultural patrimony under section 80q-9a of this title” before period.

Subsec. (b). Pub. L. 104-278, § 5(2)(A), substituted “7 members” for “five members” in introductory provisions.

Subsec. (b)(1). Pub. L. 104-278, § 5(2)(B), substituted “4 members” for “three members” and struck out “and” at end.

Subsec. (b)(2), (3). Pub. L. 104-278, § 5(2)(C), (D), added par. (2) and redesignated former par. (2) as (3).

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 80q-11. Inventory, identification, and return of Native Hawaiian human remains and Native Hawaiian funerary objects in possession of Smithsonian Institution****(a) In general**

The Secretary of the Smithsonian Institution shall—

(1) in conjunction with the inventory and identification under section 80q-9 of this title, inventory and identify the Native Hawaiian human remains and Native Hawaiian funerary objects in the possession of the Smithsonian Institution;

(2) enter into an agreement with appropriate Native Hawaiian organizations with expertise in Native Hawaiian affairs (which may include the Office of Hawaiian Affairs and the Malama I Na Kupuna O Hawai'i Nei) to provide for the return of such human remains and<sup>1</sup> funerary objects; and

(3) to the greatest extent practicable, apply, with respect to such human remains and funerary objects, the principles and procedures set forth in sections 80q-9 and 80q-10 of this title with respect to the Indian human remains and Indian funerary objects in the possession of the Smithsonian Institution.

**(b) Definitions**

As used in this section—

(1) the term “Malama I Na Kupuna O Hawai'i Nei” means the nonprofit, Native Hawaiian organization, incorporated under the laws of the State of Hawaii by that name on April 17, 1989, the purpose of which is to provide guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues; and

(2) the term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

(Pub. L. 101-185, § 13, Nov. 28, 1989, 103 Stat. 1345.)

**§ 80q-12. Grants by Secretary of the Interior to assist Indian tribes with respect to agreements for return of Indian human remains and Indian funerary objects****(a) In general**

The Secretary of the Interior may make grants to Indian tribes to assist such tribes in reaching and carrying out agreements with—

(1) the Board of Regents for the return of Indian human remains and Indian funerary objects under section 80q-9 of this title; and

(2) other Federal and non-Federal entities for additional returns of Indian human remains and Indian funerary objects.

**(b) Authorization of appropriations**

There is authorized to be appropriated \$1,000,000 for fiscal year 1991 and such sums as may be necessary for succeeding fiscal years for grants under subsection (a) of this section.

(Pub. L. 101-185, § 14, Nov. 28, 1989, 103 Stat. 1345.)

**§ 80q-13. Grants by Secretary of the Interior to assist Indian organizations with respect to renovation and repair of museum facilities and exhibit facilities****(a) Grants**

The Secretary of the Interior may make grants to Indian organizations, including Indian tribes, museums, cultural centers, educational institutions, libraries, and archives, for renovation and repair of museum facilities and exhibit facilities to enable such organizations to exhibit objects and artifacts on loan from the collections of the Smithsonian Institution or from other sources. Such grants may be made only from the Tribal Museum Endowment Fund.

**(b) Indian organization contribution**

In making grants under subsection (a) of this section, the Secretary may require the organization receiving the grant to contribute, in cash or in kind, not more than 50 percent of the cost of the renovation or repair involved. Such contribution may be derived from any source other than the Tribal Museum Endowment Fund.

<sup>1</sup> So in original. Probably should be “shall so”.

<sup>1</sup> So in original. Probably should be “and”.

**(c) Tribal Museum Endowment Fund****(1) Establishment**

There is established in the Treasury a fund, to be known as the “Tribal Museum Endowment Fund” (hereinafter in this subsection referred to as the “Fund”) for the purpose of making grants under subsection (a) of this section. The Fund shall consist of (A) amounts deposited and credited under paragraph (2), (B) obligations obtained under paragraph (3), and (C) amounts appropriated pursuant to authorization under paragraph (5).

**(2) Deposits and credits**

The Secretary of the Interior is authorized to accept contributions to the Fund from non-Federal sources and shall deposit such contributions in the Fund. The Secretary of the Treasury shall credit to the Fund the interest on, and the proceeds from sale and redemption of, obligations held in the Fund.

**(3) Investments**

The Secretary of the Treasury may invest any portion of the Fund in interest-bearing obligations of the United States. Such obligations may be acquired on original issue or in the open market and may be held to maturity or sold in the open market. In making investments for the Fund, the Secretary of the Treasury shall consult the Secretary of the Interior with respect to maturities, purchases, and sales, taking into consideration the balance necessary to meet current grant requirements.

**(4) Expenditures and capital preservation**

Subject to appropriation, amounts derived from interest shall be available for expenditure from the Fund. The capital of the Fund shall not be available for expenditure.

**(5) Authorization of appropriations**

There is authorized to be appropriated to the Fund \$2,000,000 for each fiscal year beginning with fiscal year 1992.

(Pub. L. 101-185, § 15, Nov. 28, 1989, 103 Stat. 1345.)

**CODIFICATION**

Subsec. (d) of this section, which required the Secretary of the Interior, in consultation with the Secretary of the Treasury, to submit an annual report to Congress on activities under this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 108 of House Document No. 103-7.

**NATIVE AMERICAN CULTURAL CENTER IN OKLAHOMA CITY, OKLAHOMA; FEASIBILITY STUDY AND REPORT**

Pub. L. 102-196, Dec. 9, 1991, 105 Stat. 1620, directed Secretary of the Interior to conduct a study and make a report to Congress on the feasibility of establishing a Native American Cultural Center in Oklahoma City, Oklahoma, and made appropriations for that purpose.

**§ 80q-14. Definitions**

As used in this subchapter—

(1) the term “Board of Regents” means the Board of Regents of the Smithsonian Institution;

(2) the term “Board of Trustees” means the Board of Trustees of the National Museum of the American Indian;

(3) the term “burial site” means a natural or prepared physical location, whether below, on, or above the surface of the earth, into which, as a part of a death rite or ceremony of a culture, individual human remains are deposited;

(4) the term “funerary object” means an object that, as part of a death rite or ceremony of a culture, is intentionally placed with individual human remains, either at the time of burial or later;

(5) the term “Heye Foundation assets” means the collections, endowment, and all other property of the Heye Foundation (other than the interest of the Heye Foundation in Audubon Terrace) described in the Memorandum of Understanding between the Smithsonian Institution and the Heye Foundation, dated May 8, 1989, and the schedules attached to such memorandum;

(6) the term “Heye Museum” means the Museum of the American Indian, Heye Foundation;

(7) the term “Indian” means a member of an Indian tribe;

(8) the term “Indian tribe” has the meaning given that term in section 450b of title 25;

(9) the term “National Museum” means the National Museum of the American Indian established by section 80q-1 of this title;

(10) the term “Native American” means an individual of a tribe, people, or culture that is indigenous to the Americas and such term includes a Native Hawaiian; and

(11) the term “Native Hawaiian” means a member or descendant of the aboriginal people who, before 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

(Pub. L. 101-185, § 16, Nov. 28, 1989, 103 Stat. 1346.)

**§ 80q-15. Authorization of appropriations****(a) Funding**

There is authorized to be appropriated to the Board of Regents to carry out this subchapter (other than as provided in sections 80q-5(b)(1)(B), 80q-6, 80q-8, 80q-9, 80q-10, 80q-12, and 80q-13(c)(5) of this title)—

(1) \$10,000,000 for fiscal year 1990; and

(2) such sums as may be necessary for each succeeding fiscal year.

**(b) Period of availability**

Funds appropriated under subsection (a) of this section shall remain available without fiscal year limitation for any period prior to the availability of the facilities to be constructed under section 80q-5 of this title for administrative and planning expenses and for the care and custody of the collections of the National Museum.

(Pub. L. 101-185, § 17, Nov. 28, 1989, 103 Stat. 1347.)

**SUBCHAPTER XIV—NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE****§ 80r. Findings**

Congress finds that—

(1) since its founding, the United States has grown into a symbol of democracy and free-



dom around the world, and the legacy of African Americans is rooted in the very fabric of the democracy and freedom of the United States;

(2) there exists no national museum within the Smithsonian Institution that—

(A) is devoted to the documentation of African American life, art, history, and culture; and

(B) encompasses, on a national level—

- (i) the period of slavery;
- (ii) the era of Reconstruction;
- (iii) the Harlem renaissance;
- (iv) the civil rights movement; and
- (v) other periods associated with African American life, art, history, and culture; and

(3) a National Museum of African American History and Culture would be dedicated to the collection, preservation, research, and exhibition of African American historical and cultural material reflecting the breadth and depth of the experiences of individuals of African descent living in the United States.

(Pub. L. 108-184, § 2, Dec. 16, 2003, 117 Stat. 2676.)

#### SHORT TITLE

Pub. L. 108-184, § 1, Dec. 16, 2003, 117 Stat. 2676, provided that: “This Act [enacting this subchapter] may be cited as the ‘National Museum of African American History and Culture Act’.”

### § 80r-1. Definitions

In this subchapter:

#### (1) Board of Regents

The term “Board of Regents” means the Board of Regents of the Smithsonian Institution.

#### (2) Council

The term “Council” means the National Museum of African American History and Culture Council established by section 80r-3 of this title.

#### (3) Museum

The term “Museum” means the National Museum of African American History and Culture established by section 80r-2 of this title.

#### (4) Secretary

The term “Secretary” means the Secretary of the Smithsonian Institution.

(Pub. L. 108-184, § 3, Dec. 16, 2003, 117 Stat. 2676.)

### § 80r-2. Establishment of Museum

#### (a) Establishment

There is established within the Smithsonian Institution a museum to be known as the “National Museum of African American History and Culture”.

#### (b) Purpose

The purpose of the Museum shall be to provide for—

- (1) the collection, study, and establishment of programs relating to African American life, art, history, and culture that encompass—
  - (A) the period of slavery;
  - (B) the era of Reconstruction;

(C) the Harlem renaissance;

(D) the civil rights movement; and

(E) other periods of the African American diaspora;

(2) the creation and maintenance of permanent and temporary exhibits documenting the history of slavery in America and African American life, art, history, and culture during the periods referred to in paragraph (1);

(3) the collection and study of artifacts and documents relating to African American life, art, history, and culture; and

(4) collaboration between the Museum and other museums, historically black colleges and universities, historical societies, educational institutions, and other organizations that promote the study or appreciation of African American life, art, history, or culture, including collaboration concerning—

(A) development of cooperative programs and exhibitions;

(B) identification, management, and care of collections; and

(C) training of museum professionals.

(Pub. L. 108-184, § 4, Dec. 16, 2003, 117 Stat. 2677.)

### § 80r-3. Council

#### (a) Establishment

There is established within the Smithsonian Institution a council to be known as the “National Museum of African American History and Culture Council”.

#### (b) Duties

##### (1) In general

The Council shall—

(A) make recommendations to the Board of Regents concerning the planning, design, and construction of the Museum;

(B) advise and assist the Board of Regents on all matters relating to the administration, operation, maintenance, and preservation of the Museum;

(C) recommend annual operating budgets for the Museum to the Board of Regents;

(D) report annually to the Board of Regents on the acquisition, disposition, and display of objects relating to African American life, art, history, and culture; and

(E) adopt bylaws for the operation of the Council.

##### (2) Principal responsibilities

The Council, subject to the general policies of the Board of Regents, shall have sole authority to—

(A) purchase, accept, borrow, and otherwise acquire artifacts for addition to the collections of the Museum;

(B) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by that disposition are used for additions to the collections of the Museum; or

(C) specify criteria with respect to the use of the collections and resources of the Museum, including policies on programming, education, exhibitions, and research with respect to—

- (i) the life, art, history, and culture of African Americans;

- (ii) the role of African Americans in the history of the United States from the period of slavery to the present; and
- (iii) the contributions of African Americans to society.

**(3) Other responsibilities**

The Council, subject to the general policies of the Board of Regents, shall have authority—

- (A) to provide for preservation, restoration, and maintenance of the collections of the Museum; and
- (B) to solicit, accept, use, and dispose of gifts, bequests, and devises of personal property for the purpose of aiding and facilitating the work of the Museum.

**(c) Composition and appointment**

**(1) In general**

The Council shall be composed of 19 voting members as provided under paragraph (2).

**(2) Voting members**

The Council shall include the following voting members:

- (A) The Secretary of the Smithsonian Institution.
- (B) One member of the Board of Regents, appointed by the Board of Regents.
- (C) Seventeen individuals appointed by the Board of Regents—
  - (i) taking into consideration individuals recommended by organizations and entities that are committed to the advancement of knowledge of African American life, art, history, and culture; and
  - (ii) taking into consideration individuals recommended by the members of the Council.

**(3) Initial appointments**

The Board of Regents shall make initial appointments to the Council under paragraph (2) not later than 180 days after December 16, 2003.

**(d) Terms**

**(1) In general**

Except as provided in this subsection, each appointed member of the Council shall be appointed for a term of 3 years.

**(2) Initial appointees**

As designated by the Board of Regents at the time of appointment, of the voting members first appointed under subparagraph (C) of subsection (c)(2) of this section—

- (A) six members shall be appointed for a term of 1 year;
- (B) six members shall be appointed for a term of 2 years; and
- (C) five members shall be appointed for a term of 3 years.

**(3) Reappointment**

A member of the Council may be reappointed, except that no individual may serve on the Council for a total of more than 2 terms. For purposes of this paragraph, the number of terms an individual serves on the Council shall not include any portion of a term for which an individual is appointed to fill a vacancy under paragraph (4)(B).

**(4) Vacancies**

**(A) In general**

A vacancy on the Council—

- (i) shall not affect the powers of the Council; and
- (ii) shall be filled in the same manner as the original appointment was made.

**(B) Term**

Any member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

**(e) Compensation**

**(1) In general**

Except as provided in paragraph (2), a member of the Council shall serve without pay.

**(2) Travel expenses**

A member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, while away from the home or regular place of business of the member in the performance of the duties of the Council.

**(f) Chairperson**

By a majority vote of its voting members, the Council shall elect a chairperson from its members.

**(g) Meetings**

**(1) In general**

The Council shall meet at the call of the chairperson or on the written request of a majority of the voting members of the Council, but not fewer than twice each year.

**(2) Initial meetings**

During the 1-year period beginning on the date of the first meeting of the Council, the Council shall meet not fewer than 4 times for the purpose of carrying out the duties of the Council under this subchapter.

**(h) Quorum**

A majority of the voting members of the Council holding office shall constitute a quorum for the purpose of conducting business, but a lesser number may receive information on behalf of the Council.

(Pub. L. 108-184, § 5, Dec. 16, 2003, 117 Stat. 2677.)

**§ 80r-4. Director and staff of the Museum**

**(a) Director**

**(1) In general**

The Museum shall have a Director who shall be appointed by the Secretary, taking into consideration individuals recommended by the Council.

**(2) Duties**

The Director shall manage the Museum subject to the policies of the Board of Regents.

**(b) Staff**

The Secretary may appoint two additional employees to serve under the Director, except that

such additional employees may be appointed without regard to the provisions of title 5 governing appointments in the competitive service.

**(c) Pay**

The employees appointed by the Secretary under subsection (b) of this section may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification of positions and General Schedule pay rates.

(Pub. L. 108-184, § 6, Dec. 16, 2003, 117 Stat. 2679.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (b), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

**§ 80r-5. Educational and liaison programs**

**(a) In general**

**(1) Programs authorized**

The Director of the Museum may carry out educational and liaison programs in support of the goals of the Museum.

**(2) Specific activities described**

In carrying out this section, the Director shall—

(A) carry out educational programs relating to African American life, art, history, and culture, including—

- (i) programs using digital, electronic, and interactive technologies; and
- (ii) programs carried out in collaboration with elementary schools, secondary schools, and postsecondary schools; and

(B) consult with the Director of the Institute of Museum and Library Services concerning the grant and scholarship programs carried out under subsection (b) of this section.

**(b) Grant and scholarship programs**

**(1) In general**

In consultation with the Council and the Director of the Museum, the Director of the Institute of Museum and Library Services shall establish—

(A) a grant program with the purpose of improving operations, care of collections, and development of professional management at African American museums;

(B) a grant program with the purpose of providing internship and fellowship opportunities at African American museums;

(C) a scholarship program with the purpose of assisting individuals who are pursuing careers or carrying out studies in the arts, humanities, and sciences in the study of African American life, art, history, and culture;

(D) in cooperation with other museums, historical societies, and educational institutions, a grant program with the purpose of promoting the understanding of modern-day practices of slavery throughout the world; and

(E) a grant program under which an African-American museum (including a non-profit education organization the primary

mission of which is to promote the study of African-American diaspora) may use the funds provided under the grant to increase an endowment fund established by the museum (or organization) as of May 1, 2003, for the purposes of—

- (i) enhancing educational programming; and
- (ii) maintaining and operating traveling educational exhibits.

**(2) Authorization of appropriations**

There are authorized to be appropriated to the Director of the Institute of Museum and Library Services to carry out this subsection—

(A) \$15,000,000 for fiscal year 2004; and

(B) such sums as are necessary for each fiscal year thereafter.

(Pub. L. 108-184, § 7, Dec. 16, 2003, 117 Stat. 2679.)

**§ 80r-6. Building for the National Museum of African American History and Culture**

**(a) In general**

**(1) Location**

**(A) In general**

Not later than 12 months after December 16, 2003, the Board of Regents shall designate a site for the Museum.

**(B) Sites for consideration**

In designating a site under subparagraph (A), the Board of Regents shall select from among the following sites in the District of Columbia:

(i) The Arts and Industries Building of the Smithsonian Institution, located on the National Mall at 900 Jefferson Drive, Southwest, Washington, District of Columbia.

(ii) The area bounded by Constitution Avenue, Madison Drive, and 14th and 15th Streets, Northwest.

(iii) The site known as the “Liberty Loan site”, located on 14th Street Southwest at the foot of the 14th Street Bridge.

(iv) The site known as the “Banneker Overlook site”, located on 10th Street Southwest at the foot of the L’Enfant Plaza Promenade.

**(C) Availability of site**

**(i) In general**

A site described in subparagraph (B) shall remain available until the date on which the Board of Regents designates a site for the Museum under subparagraph (A).

**(ii) Transfer to Smithsonian Institution**

Except with respect to a site described in clause (i) of subparagraph (B), if the site designated for the Museum is in an area that is under the administrative jurisdiction of a Federal agency, as soon as practicable after the date on which the designation is made, the head of the Federal agency shall transfer to the Smithsonian Institution administrative jurisdiction over the area.

**(D) Consultation**

The Board of Regents shall carry out its duties under this paragraph in consultation with the following:

(i) The Chair of the National Capital Planning Commission.

(ii) The Chair of the Commission on Fine Arts.

(iii) The Chair and Vice Chair of the Presidential Commission referred to in section 80r-8 of this title.

(iv) The Chair of the Building and Site Subcommittee of the Presidential Commission referred to in section 80r-8 of this title.

(v) The Chair and ranking minority member of each of the following Committees:

(I) The Committee on Rules and Administration of the Senate.

(II) The Committee on House Administration of the House of Representatives.

(III) The Committee on Transportation and Infrastructure of the House of Representatives.

(IV) The Committee on Appropriations of the House of Representatives.

(V) The Committee on Appropriations of the Senate.

## (2) Construction of building

The Board of Regents, in consultation with the Council, may plan, design, and construct a building for the Museum, which shall be located at the site designated by the Board of Regents under this paragraph.

## (3) Nonapplicability of provisions relating to monuments and commemorative works

Chapter 89 of title 40 shall not apply with respect to the Museum.

## (b) Cost sharing

The Board of Regents shall pay—

(1) 50 percent of the costs of carrying out this section from Federal funds; and

(2) 50 percent of the costs of carrying out this section from non-Federal sources.

## (c) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 108-184, § 8, Dec. 16, 2003, 117 Stat. 2680.)

## § 80r-7. Congressional Budget Act compliance

Authority under this subchapter to enter into contracts or to make payments shall be effective in any fiscal year only to the extent provided in advance in an appropriations Act, except as provided under section 80r-9(b) of this title.

(Pub. L. 108-184, § 9, Dec. 16, 2003, 117 Stat. 2682.)

### REFERENCES IN TEXT

The Congressional Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, which is titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

## § 80r-8. Consideration of recommendations of Presidential Commission

In carrying out their duties under this subchapter, the Council and the Board of Regents

shall take into consideration the reports and plans submitted by the National Museum of African American History and Culture Plan for Action Presidential Commission under the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107-106).

(Pub. L. 108-184, § 10, Dec. 16, 2003, 117 Stat. 2682.)

### REFERENCES IN TEXT

The National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001, referred to in text, is Pub. L. 107-106, Dec. 28, 2001, 115 Stat. 1009, which is not classified to the Code.

## § 80r-9. Authorization of appropriations

### (a) In general

There are authorized to be appropriated to the Smithsonian Institution to carry out this subchapter, other than sections 80r-5(b) and 80r-6 of this title—

(1) \$17,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each fiscal year thereafter.

### (b) Availability

Amounts made available under subsection (a) of this section shall remain available until expended.

### (c) Use of funds for fundraising

Amounts appropriated pursuant to the authorization under this section may be used to conduct fundraising in support of the Museum from private sources.

(Pub. L. 108-184, § 11, Dec. 16, 2003, 117 Stat. 2682.)

## CHAPTER 4—NATIONAL ZOOLOGICAL PARK

### Sec.

81. Administration by Regents of Smithsonian Institution.

82. Aid in acquisition of collections.

83. Omitted.

84. Plans for buildings and bridges.

85. Concessions.

(a) Authorization; use of proceeds for research and educational work.

(b) Voluntary services.

## § 81. Administration by Regents of Smithsonian Institution

The National Zoological Park is placed under the direction of the Regents of the Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer and improve the said Zoological Park for the advancement of science and the instruction and recreation of the people.

(Apr. 30, 1890, ch. 173, § 2, 26 Stat. 78; Pub. L. 87-360, Oct. 4, 1961, 75 Stat. 779.)

### AMENDMENTS

1961—Pub. L. 87-360 inserted “and improve” after “administer”.

### ESTABLISHMENT OF PARKS

The National Zoological Park was established under provisions of the District of Columbia Appropriation